

3, Section 1, of an Act to amend Section 1 of an Act entitled 'An Act to re-district the State into judicial districts, and fix the times for holding court therein; and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to amend an Act entitled 'An Act to regulate the terms and fix the times for holding district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties,' approved April 10, 1899; to create the Fifty-eighth Judicial District of the State of Texas; to fix the times for holding court therein, and to provide for the appointment of a district judge and a district attorney for said Fifty-eighth Judicial District, and to validate all writs and process heretofore issued out of the district court of the said First Judicial District, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BEATY, Chairman.

#### ENGROSSING DEPARTMENT.

Committee Room,  
Austin, Texas, March 18, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Committee substitute bill No. 231, being "An Act to amend Articles 334 and 335 of Chapter 111, Title IX, of the Penal Code of the State of Texas, making it a misdemeanor, punishable by fine, to disturb the peace on railroad trains, or any street car, or inter-urban car, or over telephone lines."

And find the same correctly engrossed.

BARRETT, Chairman.

#### FORTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, March 21, 1905.  
Senate met pursuant to adjournment, President Pro Tem. Hanger presiding.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

Absent.

Decker.	Smith.
Glasscock.	Stafford.
Harper.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hicks the same was dispensed with.

#### RECESS.

On account of an important committee meeting, on motion of Senator McKamy the Senate took a recess for thirty minutes.

#### AFTER RECESS.

The Senate was called to order by President Pro Tem. Hanger.

#### PETITIONS AND MEMORIALS.

By Senator Stone:

Milano, Texas,  
Rural Free Delivery Route No. 1,  
March 18, 1905.

We, the undersigned citizens of Milam county, in convention assembled, do hereby request our Senator, the Hon. Thomas J. Stone, to support the tax measures originating in the House and pending in the Senate, and to protest against any increase in ad valorem rate of taxation.

Signed—T. W. Lantrip, J. W. Lantrip, C. O. Hughes, A. C. Hughes, W. G. White, W. J. Woods, B. D. Woods, W. A. Ashley, M. E. Ashley, C. T. Woods, Jessie Nelson, J. A. Bussa, T. E. Malone, George Malone, Wane Boggan, John Miller, G. W. Miller, D. B. Miller, E. L. Miller, John Hood, J.

B. Hood, T. B. Fisher, A. K. Fisher, W. O. Fisher, J. A. Fisher, H. H. Fisher, W. M. Dees, Frank Pemperton, S. S. Lewis, J. E. Holly, H. E. Kelley, A. J. McCraw.

By Senator Skinner:

To the President and Members of the Senate:

We, the undersigned, hereby respectfully petition your honorable body for the enactment into laws of House bill No. 460, designed to give relief from C. O. D. shipments, and the soliciting of orders for liquor in local option districts; also House bill No. 93, regulating liquor cold storages, and also the general law prohibiting drinking of intoxicating liquors in public places, other than licensed saloons, to protect railroad trains, depots, etc., frequented by women and children, from drinking rowdies. We submit that experience in local option counties has demonstrated conclusively the imperative necessity for and enactment of these laws to prevent the flagrant defiance of the will of the people by liquor law breakers when, by vote, they have decreed that the public dramshop shall be closed in their midst.

We also ask that joint resolution for a constitutional amendment extending the scope of local option so as to include not only the sale, but also the gift, exchange and introduction of liquors in local option districts shall be submitted to the people.

Names—J. M. Smith, J. Hugh Smith, O. P. Harris, Mrs. Julia Smith, Mrs. Katie Smith, S. A. Adkins, Mrs. S. R. Adkins, Miss Edith Adkins, Mrs. Laura Moseley, Mrs. Margaret Stults, Mrs. Alice Goodman, Miss Gertie Cook, Mrs. E. J. Cook, Mrs. Mattie Cook, W. L. Goodman, N. W. Cook, W. F. Cook, Mrs. Minnie Cook, Mrs. Lonie Whitson, Mrs. Mandy Nelson, Ben O. Nelson, Mrs. Mary Nelson, Miss Edith Wilson, Miss Bedia Wilson, Mrs. D. H. Wilson, Mrs. Carrie Heath, Miss Maude Heath, Miss Lillie Smith, J. T. Miller, Clyde Miller, Levi Hennenson, Edd Smith, John D. Hennenson, J. F. Drake, Claxton Moseley, J. N. Hollis, B. F. Bullock, W. M. Bullock, Grover Nelson, W. R. Whitson, E. P. Whitson, H. T. Nelson, Ed Adkins, Jefferson McGriff, Samuel C. Marrs, Ellar Hollis, Miss Elvie Berryman, Mrs. P. A. Henderson, Miss Wittie Smith, Mrs. Ella Smith, Miss Bessie Smith, Clarence Morris, J. S. Kiam, C. D. Kiam, Mrs. Callie Dameron, G. W. Cook, E. H. Shults, E. H. Nelson, O. B. Shults, J. S. Shults, H. A. Shults, M. W. John, Sarah John, Eva Smith, M. Anderson, R. T. Parish, W. A. Appling, Dee Childers, Palmer Appling, E. B. Appling, G. W. Cline, Laura Cline, Lola Adkins, E. J. Cook, Berdie

Henderson, Carry Sults, J. J. Rizarr, J. W. Watkins, Thomas Hill, J. P. Riquarr, Claud Miller, J. W. Vadkins, Miss Gertrude Bullock, Mrs. M. A. Henderson, Miss Bettie Shults, Mrs. Fred Adkins, Emar Reams, W. H. Morley, Mr. Bert Adkins, W. F. Cook, Charlie Ream, Tom Bobo.

By Senator Faulk:

Chandler, Texas, March 18, 1905.

To the Hon. J. J. Faulk, State Senator:

We, the undersigned citizens of Henderson county, petition you to use your influence to defeat the bill to raise the ad valorem taxes, and to support bills forcing corporations to pay their just proportions of taxes, and thereby meet the deficiency in the State Treasury.

G. W. Kidd, J. W. Harrison, Coleman Kidd, W. C. Anderson, W. F. Banks, Owen Anderson, J. W. Clayton, J. W. Starr, T. W. Starr, E. B. Eberhart, W. M. Anderson, J. W. Starr, G. W. Anderson, Cliff Anderson.

By Senator Faulk:

Terrell, Texas, March 17, 1905.

The Hon. J. J. Faulk, Austin, Texas:

Dear Sir: We, the undersigned retail grocers of Terrell, Texas, beg to respectfully invite your attention to House bill No. 36, now pending before your honorable body, and to urge you to use your best efforts in our behalf to prevent the passage of this bill without the "guarantee clause" is inserted, exempting the retailer from prosecution where he can show a written guarantee from the manufacturer or wholesaler from whom he purchased the article, guaranteeing its purity.

Roberson Bros., Texas Produce and Grocery Co., G. E. Kelly, W. L. Jandrew, Terrell Wholesale Grocery Co., W. B. Martin Produce Co., Lucius Rash, T. H. Thorn, W. L. Russell & Bro., S. J. Soweters, B. I. Cockrell, I. D. Clyette, J. H. Cockrell, D. M. Puroins, W. B. Nicholson, M. Alexander, C. R. Plotts, D. A. Beck, Max Simon, J. H. Richardson & Son, Muckleroy Mercantile Co., Per Hy. Lawrence, Sec.; Eugene Brin T. M. Britton.

By Senator Martin:

Pleasant Grove, Texas,

March 18, 1905.

Hon. R. W. Martin, Austin, Texas.

Dear Sir: We, the undersigned farmers and citizens of Pleasant Grove community, do hereby petition you as our Senator to support the tax bills now pending in the Senate, viz.: The Bowser bill, the Love bill, the Kennedy bill and the Williams intangible asset bill.

Carl Dodson, W. F. Walker, J. S. Worthington, J. B. Quillin, W. T. Worthington, Jr., W. T. Worthington, Sr., J. S. Williams, J. D. Williams.

By Senator Beaty:

Beaumont, Texas, March 20, 1905.  
Senator J. T. Beaty, Austin, Texas.

Dear Sir: With reference to the bill creating public warehouses for the handling of rice, which has been reported favorably by the Senate committee, beg to say that we have gone over same carefully, and evidently the party drawing this bill does not understand the conditions existing in the rice belt, neither does he know anything about the rice business.

There is a law already on the statutes creating and covering public warehouses, which is very appropriate and satisfactory to rice people in general. In fact, we have canvassed it with a number of the largest growers and handlers of rice and the bill is entirely satisfactory, and we do not see why anyone should wish to create a special bill for the handling of rice through warehouses.

The first section of the bill creating a public warehouse out of any warehouse that receives rice for storage, either sacks, bulk or otherwise, we think is very unjust, as it makes a public warehouse out of any company or party who owns a warehouse and operates same for the benefit of their own crops or the crops of their tenants.

We have no objection to a public warehouse feature whatever, provided the law does not make everyone a public warehouseman, even though he does not wish to become such. Under the law as it now stands on the statutes any warehouse company can become a public warehouse and get the benefit of the law by applying to the County Clerk for a permit and by giving bond, etc. This should be entirely satisfactory to everyone and we can not see the necessity for creating a bill making a public warehouse out of every warehouse in the country that may be handling rice, even though it is handling the rice as a side issue to the farm or mill.

Now, with reference to the issuance of receipts as provided for in Section No. 2 of the proposed bill, designating the number of sacks, weights and grade of same, will say that this would work a hardship on any warehouse company or warehouse that would be operated for the storage of rice, for it very frequently happens that rice stored in September, immediately after it is threshed, even though it shows to be strictly No. 1 grade, after standing in the warehouse for any length of time, if there is any moisture whatever in it, it will have a tendency to heat and become stack burnt. This does not occur in every instance, but it is frequently the case, and unless the rice is thoroughly dry (which, by the way, it is impossible to tell from the appearance of same when first threshed) some of the sacks will be damaged before

the following Spring, and had receipts been issued showing this rice to be a No. 1 grade, and the warehouseman under bond to deliver a No. 1 rice, the holder of the receipt would come back on the warehouseman for the difference between No. 1 and the stack burnt rice, which difference is, as a rule, about half the value of the No. 1 rice. For this reason it strikes us that should they wish to pass a bill and provide for this feature it should not provide for the issuance of receipts showing the exact grade of rice, but it should provide that the warehouseman should mark the rice so as to designate it in the warehouse from any other rice that might be received at any future date and be compelled to deliver the identical lot of rice received. By this means it would not be a hardship upon anyone, for if the rice damaged in the warehouse it would be the loss of the original owner or the party which purchased the rice after examining the same.

With reference to Section No. 3 wherein the County Judge shall appoint the inspectors or weighers of rice, will say that this would work a hardship upon not only the warehouses and milling companies, but it would likewise work a hardship on the planter who puts his rice in the warehouse for storage, for the he would be required to pay 2 cents per bag for the services of a Public Inspector and Weigher, and it is frequently the case that planters put rice in their warehouses for only a week or ten days. They haul it from the fields and put it in the warehouses, and as soon as they finish threshing they proceed to sell the rice, and this additional charge of 2 cents per sack would be of no benefit to them, for they would be compelled to sell it for the value of the rice on the market, and as this valuation could not be placed upon it by the Public Inspector and Weigher it would be of no benefit to the planter whatever. Therefore, you will, no doubt, see that it would work a hardship on the planter, and should the rice be shipped from the warehouse or mill, where another Public Inspector or Weigher is located he would necessarily have to pay an additional 2 cents charge on the same rice.

With reference to the grading of rice by a public inspector would also call your attention to the fact that there are no special grades of rice that would be classed in the commercial world alike, as there are so many different grades of rice that one grader's value of a certain grade in the rough will nearly always vary from 5 cents to 25 cents per barrel to the value placed upon it by another inspector or grader; therefore, the grader or inspector that would be appointed by the County Judge would, in all probability, class the rice

he inspects as one grade and the next inspector would class the same rice as some other grade. Therefore, the party who would purchase this rice on the original inspector's grade might come back on the warehouse company and make them deliver or pay the difference between the rice actually received and that which the warehouseman or inspector designated as No. 1, which was in reality a No. 2 grade of rice.

The section No. 11 of this bill, with reference to compelling all warehouses and mills to render account sales promptly after the rice has been sold and pay for same, we think is all right, and also with reference to the penalty for rendering fraudulent account sales. These two items in this section are all right, and if any bill should be passed these two features should be made a part of same, though under the present statute we believe this would be covered fully, as there is a law covering the sale of any goods on a brokerage basis, which we believe will fill the bill.

The balance of the proposed bill with reference to warehouseman selling the rice we think entirely unreasonable, as a great many warehouses are built with a view of securing the rice for storage and to give the warehouseman advantage over any other purchasers in order to make commissions on the sales; and you are no doubt aware that mills who are receiving rice from farmers and milling same on toll very frequently receive rice, and after it is in the mill they will purchase same by agreement with the farmer. This is a trade made by the two of them, and under this clause there would be no incentive for the mill or warehouseman to ever make any purchases of rice from the farmer or grower, for the farmer could take a sample of the rice over to some other inspector and have him swear that the mill or warehouseman purchased the rice for less than the market value of same, for, as stated before, you can hardly find two graders who will agree on the value of any particular grade of rice.

There are so many complications in the rice business with reference to the different grades of rice, damaged rice and other things that come in the rice to cause a difference in the value of rice, that we believe the only feasible way to handle the situation is in the manner that it is now being handled, and the law of supply and demand will eventually right any wrong that may now be in vogue.

Why should any special legislation be enacted to retard the building of warehouses throughout the rice belt? There are not half enough warehouses now in the rice belt to take care of the crop properly when threshed, hence we

ask the question, Why saddle the rice business with this proposed law and stop the building of any more warehouses? This proposed legislation will certainly stop the building of more warehouses for a couple of years until the people can see the effect of the law if the bill is passed.

The rice business is now in a desperate condition on account of the low prices of rice and the high cost of producing same, and if this bill is passed it will simply add more trouble to the present existing conditions.

The party getting up this bill may have the idea that same might stop the mills from storing rice and milling same on toll, but if this is his idea he is certainly mistaken, for there are many warehouses now located on the lines of railroads that receive rice almost as an accommodation to their neighbors, and the parties owning those warehouses would close the doors of same except for the reception of their own rice, as the compensation derived from storing rice is too small to justify any risk. This being the case, it would throw just that much more rice in the hands of the toll millers.

Kindly let me have your views on the subject after going over same carefully, and if this proposed bill is liable to pass, kindly wire us and the rice millers, growers and all interested in the rice business at this end will send a lobby to Austin to explain more fully the dire results that would follow the passage of this bill.

Hoping you will do your utmost to stop the passage of this bill and fanatic legislation, we are,

Yours very truly,

BEAUMONT IRRIGATING CO.

NECHES CANAL CO.,

W. M. Carroll, Pres. & Gen. Mgr.

SAN JACINTO RICE CO.,

Per Henry D. Keith, Treasurer.

ARTHUR FOX.

R. T. BURGE.

BEAUMONT RICE MILLS,

Per J. E. Bruessard.

J. M. HEBERT.

J. C. CHANEY.

W. C. TYRRELL.

WILLIAM MILLER.

C. H. SHOEMAKER.

Senator Grinnan offered the following:

DeLeon, Texas, March 15, 1905.

Dear Sir: We, the taxpaying citizens of Comanche county, beg you to urge before the senate the passage of the Bowser bill taxing insurance companies 2 1-2 per cent of gross receipts.

Also the passage of the Love bill taxing railroad companies 1 per cent of their gross earnings.

We again ask you in our behalf to support the tax measures that originated in the House.



R. L. Medford, T. M. Jenkins, W. S. Wortham, J. W. Cavitt, Jas. Pilcher, W. M. Haynes, H. S. Parker, I. W. White, R. L. Jenkins, J. E. Haynes, R. C. Roberts, A. H. Stover.

To the Honorable Senate of the Twenty-ninth Legislature of Texas—Greeting:

We, the undersigned farmers and citizens of Burkett, Coleman county, Texas, would respectfully ask your honorable body to pass the House bills now pending as follows: The Bowser bill, taxing insurance companies on their gross receipts; the Love bill, taxing railroad companies on their gross earnings; the Williams intangible assets bill, and the Kennedy bill, all of them intended to help raise the deficiency now existing in the state treasury. And would further protest against any attempt to raise the ad valorem tax rate, thereby making the farmers bear an unjust part of the burden of taxation.

D. B. Wesley, John Brown, J. H. Burkett, Paul Thate, Calvin Baker, A. K. Wesley, Ernest Thate, G. B. Keller, D. C. DeKurk, G. H. Keller, John Strickland, J. R. Brown, Geo. Smith.

Duster, Texas, March 11, 1905.

Mr. Graham, Austin, Texas.

Dear Sir: We, the undersigned farmers and citizens of Duster community, respectfully urge upon you the necessity of support the bills which originated in the House and which propose to force the corporations to bear their share of taxation, and we further protest against any increase in taxation to meet the deficiency in the State government.

Signed:

R. M. Pirtle, W. E. McCharen, J. T. Broome, R. F. Harrison, J. D. Tate, J. W. Smith, C. C. Spencer, W. C. Grigsby, R. McMillan, J. R. Peters, I. W. Alderman, W. S. Peters, W. R. Dyson, J. E. Butler, A. L. Ray.

Brooksmith, Texas, March 15, 1905.

Hon. Arch Grinnan.

Our Dear Sir: We, your petitioners, whose names appear on opposite side of this sheet, met in rather an informal way and by unanimous voice declared that we ask you to support certain bills in Senate that have been passed in the House. The bills are as follows:

1. Bowser's bill, taxing insurance companies 1 1-2 per cent of gross earnings.
2. Love's railroad bill, taxing 1 per cent gross earnings.
3. The Kennedy bill.
4. The Williams intangible assets bill.

Respectfully yours,

David Smith, J. H. Rodgers, J. B. Dunn, J. D. Smith, W. F. Acry, N. J. Henderson, A. J. Calder, F. L. Mald-

gren, G. E. Sparkman, S. D. Lee, David Smith, Joe Calder.

Bangs, Texas, March 11, 1905.

We, the undersigned citizens of the Bangs community, respectfully request all members of the Texas State Senate to support the tax measures as passed by the House of Representatives, known as the Bowser bill, Love bill, Kennedy bill, and the Williams intangible assets bill, and especially request our representative, Senator Arch Grinnan, to labor in their behalf.

Louis Garms, J. W. Sneed, F. L. Strohm, I. B. Reed, S. W. Flynn, N. B. Walker, Sam Allen, Luther Borden, T. W. Wilkinson, A. J. Conklin, W. B. Woodruff, V. I. Brannan, E. H. Phillips, E. H. Wilson, W. J. Schulze, J. G. Trice, J. M. Smith, B. H. Wilson, E. H. Flynn, Jas. N. Stone, L. L. Davis, H. L. Fitzgerald, R. A. Brack, J. R. Byars, W. T. Montgomery, L. A. Wooten, J. F. Carr, D. F. Baker, A. A. Campbell, E. E. McClain, J. L. Riordan, W. E. Curry, M. B. Walker, S. P. Martin, J. F. McGaughey, T. J. Backus, Jesse Starkey, T. E. Heppington, Will Garms.

See Appendix for committee reports, except reports on House bills Nos. 52 and 22.

Morning call concluded.

#### SENATE BILL NO. 126.

The Chair laid before the Senate, as pending business,

Senate bill No. 126, a bill to be entitled "An Act to reorganize the Thirty-second Judicial District of Texas, and to fix the time for holding courts, and the terms of the courts therein; to conform all writs and processes to such changes, to declare an emergency and to repeal all laws and parts of laws in conflict herewith."

Question being on the motion of Senator Hill to table the motion to reconsider, by Senator Hawkins. (See Journal of yesterday, page 6.)

The motion to table was adopted by the following vote:

Yeas—12.

Beaty.	Hicks.
Davidson.	Hill.
Faulk.	McKamy.
Faust.	Skinner.
Hale.	Stone.
Hanger.	Willacy.

Nays—7.

Barrett.	Hawkins.
Brachfield.	Looney.
Grinnan.	Martin.
Harbison.	

## Present—Not Voting.

Chambers.	Meachum.
Holland.	Stokes.

## Absent.

Decker.	Paulus.
Glasscock.	Smith.
Griggs.	Stafford.
Harper.	Terrell.

Senator Hawkins offered the following amendment:

Amend by adding to Section 2 the following:

"The unorganized county of Winkler is hereby attached to the county of Ward for judicial purposes."

Senator Hill made a point of order that the amendment was in substance the same as the one just tabled.

The Chair overruled the point of order, and

Senator Hill moved to table the amendment, which was adopted.

Bill read second time and ordered engrossed.

On motion of Senator Hawkins, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Grinnan.	Paulus.
Hale.	Skinner.
Hanger.	Stokes.
Harbison.	Stone.
Hawkins.	Willacy.

## Absent.

Decker.	Smith.
Glasscock.	Stafford.
Griggs.	Terrell.
Harper.	

The bill was read third time and passed by the following vote:

## Yeas—23.

Barrett.	Hale.
Beaty.	Hanger.
Brachfield.	Harbison.
Chambers.	Hawkins.
Davidson.	Hicks.
Faulk.	Hill.
Faust.	Holland.
Grinnan.	Looney.

Martin.	Skinner.
McKamy.	Stokes.
Meachum.	Stone.
Paulus.	

Present—Not Voting.  
Willacy.

## Absent.

Decker.	Smith.
Glasscock.	Stafford.
Griggs.	Terrell.
Harper.	

Senator Hawkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## COMMITTEE REPORTS—BY UNANIMOUS CONSENT.

Senator McKamy here asked unanimous consent to offer the following committee reports. There being no objection, the reports were offered.

## INTERNAL IMPROVEMENTS.

Committee Room,  
Austin, Texas, March 21, 1905.  
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. 52, a bill to be entitled "An Act imposing a tax upon railroads corporations, the receivers thereof, and other persons, firms and associations of persons owning, operating, managing or controlling any line of railroad in this State for the transportation of passengers, freight and baggage, or either, equal to one and one-half per cent of their gross receipts, and providing for the collection and payment thereof, and repealing the existing tax on gross passenger earnings of railroads,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

McKAMY, Chairman.

## Minority Report.

Committee Room,  
Austin, Texas, March 21, 1905.  
Hon. Geo. D. Neal, President of the Senate:  
Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 52, a bill to be entitled "An Act imposing a tax upon railroad corporations, the receivers thereof, and other persons, firms and associations of persons owning, operating managing or controlling any line of railroad in this State for the transportation of passengers, freight and baggage, or either, equal to one and one-half per cent of their gross receipts; and providing for the collection and payment thereof; and repealing the existing tax on gross passenger earnings of railroads."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend the engrossed rider by striking out "one per cent" and insert in lieu thereof the following: "one-half of one per cent."

HILL,  
HICKS,  
DECKER,  
WILLACY,  
STAFFORD,

#### Majority Report.

##### Committee Room.

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 22, a bill to be entitled "An Act for the taxation of the intangible assets of certain corporations, and to provide for the creation of a State Tax Board for the valuation of such intangible assets, and for the distribution of said values for local taxation, and for assessment of said assets and the levy and collection of taxes thereon."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

M'KAMY, Chairman.

#### Minority Report.

##### Committee Room.

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: We, a minority of your Committee on Internal Improvements, to whom was referred

House bill No. 22, a bill to be entitled "An Act for the taxation of the intangible assets of certain corporations, and to provide for the creation of a State Tax Board for the valuation of such intangible assets, and for the distribution of said values for local taxation, and for assessment of said assets

and the levy and collection of taxes thereon."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached substitute pass in lieu hereof."

HILL,  
HICKS,  
DECKER,  
WILLACY,  
STAFFORD,

A bill to be entitled "An Act for the taxation of the assets and property of railway corporations, and to provide that the Railroad Commission shall make their valuation of the same, and to provide for the distribution of said values for local taxation and for the assessment of said assets, the levy and collection of taxes thereon, providing penalties for violation of this Act, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That each and every incorporated railroad company doing business wholly or in part within the State of Texas, whether incorporated under the laws of this State or of any other State, or of any Territory or foreign country, and every other company, corporation or association doing business of the same character in this State, and every individual or association of individuals doing such business, shall, between the 2nd day of January and the 1st day of March of each year, make out and deliver into the possession of the railroad commission of the State of Texas a statement containing the information hereinafter prescribed, which statement shall be duly verified by the affidavit of one of the officers of the company, corporation or association in whose behalf it is made.

Sec. 2. Each such statement shall show the following items and particulars as the same stood on the next preceding 1st day of January, to-wit:

1. The name of the company, corporation or association making the statements, and the character of its business.
2. The authority by which it was incorporated, and the purposes of its incorporation as expressed in its charter or articles of association.
3. The locality of its principal office, and the amount and kind of business done by it in this State, and the total gross receipts derived from its business therein, including a due proportion of its interstate business, if it has done any business of that character.
4. Its total capital stock, and the number of shares which have been

issued and are outstanding, and the par or face value of each such share.

5. The market value of said shares of stock, or if they have no market value, then the statement must show the actual value thereof.

6. A brief description of each tract of real estate and of the improvements thereon, and of the buildings, structures, machinery, fixtures, appliances and all other property and assets of whatever nature owned and assessed or liable to assessment for the same year within this State, and the location and assessed value thereof for the previous year, and the county, city or town wherein the same is assessed for taxation for State and county purposes, or is liable to assessment.

7. A brief description of each tract of land and of the improvements thereon, and of the buildings, structures, machinery, fixtures, appliances, and of all other property and assets owned and held outside of this State, and of all other property and assets having a fixed situs outside thereof, and the location of each item of such property and the purpose for which it is used, and whether or not it is specifically used in the business of the company, corporation or association making the report, and its true and fair market value, and the sum or value at which it is assessed for taxation, and the locality in which it is assessed.

8. A statement of each and every lien, mortgage and other charge upon the whole or any part of the property of said company, corporation or association, with a statement of the property encumbered or charged thereby, and of the amount of unpaid debt secured by each such mortgage, lien or charge, and of the interest charged thereon, and to what extent the interest has been paid, and the true and fair market value of every such debt.

9. A statement of the gross and net income and earnings for the next preceding twelve months, including therein all interest on investments and all rents, fruits, revenues and receipts from every source whatsoever, and a statement of the income used for repairs and of the amount used for betterments and the amount used for extensions, and each statement shall show the following particulars, which are in addition to the foregoing requirement, to wit: (a) The total length of all the lines of said company, whether within or outside this State; and (b) the total length of so much of said lines as are within this State, into which its lines extend.

Sec. 3. On the first Monday after the first day of March of each year, or as soon thereafter as may be prac-

ticable, said Railroad Commission shall carefully examine and consider the said statement and information, and shall hear evidence and secure further and additional information, so far as may be in their power, to show the true value of the properties aforesaid, and the true value of that portion of every such property which is situated within this State, and within the respective counties, and each interested company, corporation and association may appear and introduce material and relevant testimony before the said Railroad Commission touching the true value of its said property within this State and the apportionment thereof, and from the statements, evidence and information adduced before it the said Railroad Commission shall ascertain, fix and determine the true value of such properties and of the portion thereof, which is situated within this State, and the respective values of the several portions within the different counties thereof, in which any such portion are taxable, and for that purpose said Railroad Commission may require and compel any person or persons, or the officers and agents, or any of them, of any company, corporation or association embraced within the terms of this act, to appear before it with such books, papers, documents and information as the Railroad Commission may require, and to submit themselves to examination by said commission.

Sec. 4. The Railroad Commission, after having first determined and fixed the true cash value of the property within the State of Texas of the before mentioned individuals, companies, corporations and associations in accordance with the provisions hereof, shall, annually, on or before the thirtieth day of May of each year for the information of the assessors of counties, report the same to the tax assessor of every county in this state in which any of said property is taxable under this act, a description of the property taxable therein and the value thereof apportioned to said county, and the name and residence or place of business of the owner, and all other necessary particulars, together with the data, statistics and reports relating to the same, and the said property shall thereupon be assessed by the assessor for taxation in like manner as other property, and shall be equalized and taxed and the taxes collected as in the case of other property, and all data, statistics and reports received by the assessor shall be placed by him before the Board of Equalization for their information. So long as any corporation, company or association shall pay all ad valorem taxes required by law the



individual stockholders shall not be required to list its shares for taxation, or to pay ad valorem taxes on said shares.

Sec. 5. Every person and association of persons, and every company, corporation or association, embraced within the provisions of this act, which shall wilfully fail to make the returns and statements, or any of them, herein provided, within the time limited, or which, after reasonable notice, shall fail to give any additional evidence, or to furnish any additional information required by the said Railroad Commission, shall forfeit and pay to the state, two hundred (\$200.00) dollars for each and every day during which it shall continue in default, which shall be recovered by suit by the Attorney General of the State of Texas, and the venue of every such suit is hereby fixed within the County of Travis, in said State, and the Courts of said county are hereby vested with jurisdiction of the said causes.

Sec. 6. If the property of any individual, company, corporation or association shall be in the hands of any receiver, assignee, trustee in bankruptcy or other person holding under any court, or for the benefit of any creditor, or creditors, then the statements, reports, information, books and papers aforesaid shall be furnished by said receiver, assignee, trustee or other persons, or by some officer or agent acting under him, in the same manner and to the same extent as is hereinbefore provided in cases where the individual or the company or association is in possession.

Sec. 7. The importance of securing data and statistics relating to railroad companies for assessment purposes, the near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity which requires that the constitutional rule providing that all bills be read on three several days, be suspended and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Davidson here offered the following motion in the nature of an amendment to Committee report on House bill No. 22:

Amend the report, House bill No. 22, by striking off the minority report the names of Decker and Stafford.

Senator Hicks made a point of order that a committee report could not be amended until the bill was brought before the Senate.

The Chair overruled the point of order.

Senator Skinner moved that further consideration of this measure be postponed till tomorrow morning, and

Senator Hawkins moved to table that motion, and

Senator Skinner withdrew the motion.

Senator Hicks moved to table the amendment motion, which was adopted by the following vote:

#### Yeas—15.

Barrett.	Holland.
Beaty.	Paulus.
Faust.	Skinner.
Griggs.	Stokes.
Hale.	Stone.
Harbison.	Terrell.
Hicks.	Willacy.
Hill.	

#### Nays—11.

Brachfield.	Hawkins.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Grinnan.	Meachum.
Hanger.	

#### Absent.

Decker.	Smith.
Glasscock.	Stafford.
Harper.	

#### SENATE BILL NO. 118—PAS-SAGE OF.

On motion of Senator Harbison the pending order of business (House bill No. 46), was suspended, and the Senate took up, out of its order, Senate bill No. 118.

The Chair laid before the Senate on third reading,

Senate bill No. 118, a bill to be entitled "An Act to amend Article 643 of the Revised Statutes of the State of Texas, prescribing what must be set forth in the charter of a domestic corporation."

The bill was read third time and passed.

Senator Harbison moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 479—PASSAGE OF.

On motion of Senator Holland, the pending order of business (House bill No. 46) was suspended, and the Senate took up, out of its order, House bill No. 479.

The Chair laid before the Senate, on second reading,

House bill No. 479, a bill to be entitled "An Act to prohibit the granting or use for railway purposes of any part of the tract of land in the city and county of Galveston, Texas, acquired by that county or the commissioners court thereof for seawall purposes."

Bill read second time and passed to a third reading.

On motion of Senator Holland, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

## Absent.

Decker.	Smith.
Glasscock.	Stafford.
Harper.	

The bill was read third time and passed by the following vote:

## Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

## Absent.

Decker.	Smith.
Glasscock.	Stafford.
Harper.	

Senator Holland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Twenty-ninth Legislature.  
Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 2, "An Act providing for the health and safety of persons employed in and around mines, and creating the office of State Mining Inspector, and defining the duties of such inspector."

House joint resolution No. 9, amending the Constitution of the State of Texas by adding thereto Article 11a, so as to allow incorporated cities and towns by vote of the taxpayers thereof, to exempt for a term of years from local taxation certain species of property."

House bill No. 19, a bill to be entitled "An Act providing for the deposit of the moneys of counties in county depositories, and for the selection and designation of such depositories, and providing penalties for the violation of the provisions of this act."

## Engrossed Rider.

Amendment No. 1. Page 2, line 19, after the word "Texas," insert the following: "Bonds of any county, city, town or school district."

Amendment No. 2. Insert after the word "treasurer," in line 10, page 4, Section 10, the following: "And it shall be the duty of such depository to make a detailed statement to the commissioners court at each regular term of such court, said statement showing the daily balances of the preceding quarter."

Amendment No. 3. Amend by adding at the end of Section 4 the following: "Said bond shall in no event be for less than the total amount of revenue of such county for the entire two years for which same is made."

Amendment No. 4. Amend Section 7, page 3, by striking out all in Section 7 after the word "paid," in line 19.

Amendment No. 5. Amend Section 4, page 2, by striking out the parenthesis in lines 15 and 17.

Respectfully,

MARK LOGAN,

Acting Chief Clerk House of Representatives.

## SENATE BILL NO. 22.

On motion of Senator Looney, the pending order of business (House bill No. 46) was suspended, and the Senate

took up, out of its order, Senate bill No. 22.

The Chair laid before the Senate, on second reading,

Senate bill No. 22, a bill to be entitled "An Act on the subject of private corporations for profit; amending Title XXI, Chapter 2, Article 642, thereof by amending Section 56, requiring the stockholders of corporations created under Chapter 2, before being chartered, to pay in full its authorized capital stock; excepting from this provision corporations created under Sections 21, 29, 37, 53, 54 and 61 of Article 642, and adding Section 56a, 56b and 56c, providing the conditions on which those excepted may be chartered, and providing that corporations created under Sections 21, 53, 54 and 61 shall be governed by the provisions of Chapter 14, Title XCIV, of the Revised Civil Statutes of Texas, as to the issuance of stocks and bonds, and adding thereto Section 62, providing for the creation of corporations to grow and sell rice, and to construct, own and operate dams, lakes, reservoirs, wells, canals, flumes and laterals, also Section 63, providing for the creation of corporations to grow, purchase or sell sugar cane and to refine sugar, molasses and all products of sugar cane; also to amend Article 643 thereof, requiring the charter to state where the principal office of the corporation is to be located, and providing that the secretary shall reside there, and requiring that the names, residences and postoffice address of the directors for the first year shall be given; and that a majority of whom shall be resident citizens of this State; also amending Chapter 3, Article 652, providing the terms and conditions on which a corporation may increase its capital stock, also Article 653, defining and limiting the power of a corporation to create debts and borrow money on the credit of the corporation, and to pledge its property and income as security, and providing for the personal liability of the directors who violate the provisions of this article; also Article 654, providing how directors or trustees may secure subscribers for unsubscribed stock; also Article 655, defining the power of directors or trustees, and providing that they shall be stockholders, a majority of whom shall be resident citizens of this State; also Article 656, providing for the election of a president, secretary and treasurer, and requiring the president and secretary to report annually to the Secretary of State the name and postoffice address of the president, secretary and treasurer, and each director, and providing a penalty for a failure to make such report; also Article 662, requiring the directors to keep a

record and prescribing what it shall contain; also Article 663, prescribing when the directors shall make reports to stockholders and making it unlawful to declare or pay a dividend from other than the surplus profits from the business of the corporations; also Article 665, prohibiting any corporation from using its assets for a purpose other than that of its creation or to issue stocks or bonds for anything, except for money paid or labor done or property received, and providing a penalty for the violation of said article; also Article 669, authorizing corporations to sue its members as other persons for any debt or demand due it; also Article 670, prescribing the liability of directors who declare and pay unlawful dividends, and also the liability of stockholders who receive unlawful dividends; also by amending Chapter 4, Article 671, providing how any execution that is issued against a corporation may be satisfied, defining the liability of directors and stockholders for the debts of the corporation, and providing a procedure to fix and enforce their liability; also Article 672, requiring the secretary of any corporation or other officer performing that duty on demand of any plaintiff in execution or his agent or attorney to furnish the names and residences of the stockholders of the corporation, the amount of stock held by each, and information as to the payment of dividends, and providing the penalty for a refusal to furnish such information; also to amend Chapter 5, Article 686, defining the liability of stockholders for the debts of the corporation; also amending Chapter 17, Article 745, as amended by the Acts of 1897, prescribing the terms, conditions and requirements on which the Secretary of State will be required to issue permits to foreign corporations to transact or solicit business or to establish a general or special office in this State; also to amend Article 748, providing the length of time for which a permit to a non-resident corporation shall be issued, and prohibiting the issuance of a subsequent permit, when the corporation under certain circumstances removes a case from a State to a United States court, and by adding Article 749a, providing that foreign corporations shall be subject to the liabilities, restrictions and duties that are or may be imposed on domestic corporations by the laws of this State."

Senator Looney offered the following amendment, which was adopted:

Amend the bill by adding to Article 652, on page 7, as follows: "Provided, that a corporation may decrease its capital stock in like manner and by same rate as is required for an in-

crease as herein provided, but no such decrease shall prejudice the rights of creditors of such corporation, nor shall the same become effective until approved by the Secretary of State."

Senator Terrell offered the following amendment, which was adopted:

Amend the bill by striking out all of Article 748, on page 14, beginning with the word "and" on line 13.

Senator Looney offered the following amendment, which was adopted:

Amend the caption, page 1, line 28, by adding after the word "increase" the words "or decrease."

Senator Looney offered the following amendment, which was adopted:

Amend the bill, page 4, line 18, by inserting between the words "stock" and "satisfactory" the words "or alternately one hundred thousand dollars thereof."

Senator Looney offered the following amendment, which was adopted:

Amend the bill by adding Section 2 as follows:

Sec. 2. The crowded condition of the calendar, the near approach of the close of the session and the inadequacy of the laws of this State on the subject matter of this bill create an imperative public necessity and an emergency necessitating that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended.

Senator Hicks offered the following amendment, which was adopted:

Amend the printed bill by adding between lines 30 and 31, page 5, the following:

"Section 63a. To erect, build or maintain office buildings and flats, provided that such corporations shall only be permitted to own such real estate as shall be necessary or convenient to the purposes of the corporation."

Senator Hicks offered the following amendment, which was adopted:

Amend by inserting after the word "cane" on line 21 of the caption, page 1, the following:

"And also Section 63a, providing for the erection, building and maintenance of office buildings and flats."

Senator Hicks offered the following amendment, which was adopted:

Amend by adding after the figures "63" in line 18, page 3, the following: "63a."

Senator Hicks offered the following amendment.

Amend by striking out all of Section 56b after the word "thereunder" in line 2, page 5.

The amendment was lost by the following vote:

Yeas—6.

Beaty.	Hicks.
Griggs.	Stone.
Harbison.	Willacy.

Nays—17.

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Grinnan.	Paulus.
Hanger.	Skinner.
Hawkins.	

Absent.

Decker.	Smith.
Glasscock.	Stafford.
Hale.	Stokes.
Harper.	Terrell.

Senator Hicks offered the following amendment:

Amend by striking out the words "full its" in line 26, page 3, and insert in lieu thereof "fifty per cent of its," and by inserting after the word "that" in line 28, the words "fifty per cent."

The amendment was lost.

Senator Hawkins offered the following amendment:

Amend by adding to the bill an article to be known as Article 749b, preventing discrimination, which shall read as follows, to wit:

Art. 749b. Any corporation, foreign or domestic, doing business in the State of Texas and engaged in the production, manufacture or distribution of any commodity in general use that shall discriminate between different sections, communities or cities of this State by selling such commodity at a lower rate in one section, community or city than is charged for such commodity in another section, community or city, after equalizing the distance from the point of production, manufacture or distribution and freight rates therefrom, shall be deemed guilty of an unfair discrimination.

Also amend by adding thereto Article 749c, as follows:

Art. 749c. Each and every firm, person, corporation or association of persons who shall in any manner violate the provisions of this law contained in the foregoing section, shall for each and every day that such violation shall be committed or continued, forfeit and pay the sum of \$500, which may be recovered in the name of the State of Texas in any county where such offense is committed, where either of the offenders reside, or in Travis county; and it shall be the duty of the Attorney General or of the district or



county attorney to prosecute and recover the same.

And amend the caption of the bill to correspond by inserting the following: "And to add thereto Articles 749b and 749c."

#### REPORT OF JOINT COMMITTEE— ADOPTION OF.

Hon. Geo. D. Neal, President of the Senate, and Hon. F. W. Seabury, Speaker of the House of Representatives.

Sirs: The joint committee appointed under House concurrent resolution No. 14 beg leave to report that they attended the funeral of the late Hon. John H. Reagan, as directed thereby, and they respectfully recommend that there be a joint session of the Senate and the House of Representatives in the Hall of the House of Representatives on Wednesday, March 22, 1905, at 8 p. m., for the purpose of holding a memorial service in honor of the illustrious dead; that the Daughters of the Republic and the Daughters of the Confederacy of the city of Austin be requested to have the hall suitably decorated for such service, and that His Excellency, Governor S. W. T. Lanham, Hon. Roger Q. Mills, Hon. A. B. Davidson, Hon. Carl C. Stokes, Hon. A. T. McKinney and Hon. A. W. Terrell be invited to deliver addresses on that occasion.

Respectfully submitted,

STOKES,  
M'KAMY,

On the part of the Senate.

BLOUNT,  
HARRIS,  
GREENWOOD,

On the part of the House.

The report was adopted.

#### HOUSE BILLS SIGNED BY THE CHAIR.

The Chair (President Pro Tem. Hanger) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House bill No. 487, a bill to be entitled "An Act establishing the Eighteenth and Sixty-fifth Judicial Districts of the State of Texas; prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for the Sixty-fifth Judicial District, amending the law by providing that the counties of Johnson and Bosque shall constitute the Eighteenth Judicial District, and

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that the county of Hill shall constitute the Sixty-fifth Judicial District."

Senate bill No. 252, a bill to be entitled "An Act to create a more efficient road system for Harris county, in the State of Texas, and authorizing the county commissioners court of Harris county to lay out, build and construct roads, bridges and approaches; the paving of streets and connecting roads with paved streets in the city of Houston, and authorizing the creation of road districts, and the issuance of bonds for the payment of such improvements, as authorized under the Constitution of the State of Texas, and the provisions of this act, and declaring an emergency."

Senate concurrent resolution No. 7.

Be it resolved, by the Senate, the House of Representatives concurring, That Hon. John W. Goodwin, judge of the Thirty-fifth Judicial District of Texas, be and he is hereby granted leave to absent himself from the State during the months of July and August, in the year 1905.

#### SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Twenty-ninth Legislature.

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 37, a bill to be entitled "An Act prescribing how and by whom tickets on railroads, steamboats or transportation companies of any kind engaged in the carrying and transportation of passengers, and by individuals engaged in the transportation of passengers, shall be sold, and providing for the redemption of tickets unused, and designating who may use such tickets, and prescribing penalties for the violation of this act, and repealing all acts in conflict herewith."

House bill No. 96, a bill to be entitled "An Act to fix the salaries of the district judges in this State."

Respectfully,

MARK LOGAN,

Acting Chief Clerk House of Representatives.

#### BILLS READ AND REFERRED.

The Chair (President Pro Tem. Hanger) had read and referred, after their captions had been read, the following House bills:

House joint resolution No. 9, to Constitutional Amendments.

House bill No. 19, to State Affairs.  
 House bill No. 2, to Mining and Irrigation.  
 House bill No. 37, to Judiciary Committee No. 2.  
 House bill No. 96, to Judiciary No. 1.  
 (See first and second House messages for captions.)

#### RECESS.

On motion of Senator Beaty, the Senate, at 1 o'clock p. m., recessed till 3 o'clock p. m.

#### AFTER RECESS.

The Senate was called to order by President Pro Tem. Hanger.

In accordance with a resolution adopted on Saturday last, the Senate proceeded to the consideration of local bills only.

#### HOUSE BILL NO. 76—PASSAGE OF.

The Chair laid before the Senate, on second reading,

House bill No. 76, a bill to be entitled "An Act to amend Article 3993b of the Revised Statutes of 1895, so as to provide that the children of members of either branch of the Texas Legislature who reside with their families in the Capital City for the purpose of being in attendance upon any session of the Legislature, shall be considered to reside in such city for school purposes."

Bill read second time and passed to a third reading.

On motion of Senator Davidson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stone.
Grinnan.	Terrell.
Hanger.	Willacy.
Hawkins.	
	Absent.
Glasscock.	McKamy.
Hale.	Smith.
Harbison.	Stafford.
Harper.	Stokes.

The bill was read third time and passed.

Senator Davidson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 77.

The Chair laid before the Senate, on second reading,

House bill No. 77, a bill to be entitled "An Act to only allow the qualified electors of Travis county residing out of the city of Austin to vote for County Superintendent of Public Instruction. Articles 3929a and 3930, Revised Statutes, not repealed, but only such laws as are in direct conflict."

The bill was read second time and passed to a third reading.

#### HOUSE BILL NO. 95.

The Chair laid before the Senate, on second reading,

House bill No. 95, a bill to be entitled "An Act to authorize the city of Bryan to dispose of certain public grounds within said city."

On motion of Senator Meachum, the committee report was adopted.

The bill was read second time and passed to a third reading.

#### FREE CONFERENCE COMMITTEE REPORT ADOPTED.

To Hon. Geo. D. Neal, President of the Senate, and Hon. W. F. Seabury, Speaker of the House of Representatives,

Sirs: Your Free Conference Committee on House bill No. 87, a bill to be entitled "An Act to amend Sections 1, 3 and 4 of Chapter 97, page 127, Acts of the regular session of the Twenty-eighth Legislature, authorizing the sale of certain portions of the public free school, University and asylum lands to railroad companies owning, operating or constructing railroads in this State for the location and establishment of town sites, depots, stations, yards, round houses, shops, divisional terminals or water stations, and to prescribe the terms and conditions of such sales; to authorize the Commissioner of the General Land Office or the board of regents of the State University, as the case may be, to fix the price of such lands when sold for such purposes," to adjust the differences be-

tween the Senate and the House on said bill, have had the same under consideration and beg to report the same back to the Senate and House with the recommendation that it do pass and that the Senate amendment by Brachfield, providing "that no town shall be established within five miles from any town now in existence or may hereafter be located," be stricken out; and that the Senate amendment by Davidson providing that all lands acquired for town sites by any railroad company under the provisions of this bill shall be in good faith placed upon the market and shall be alienated within the term of ten years after title is acquired to same, be adopted.

HICKS,  
WILLACY,  
DECKER,  
HOLLAND,  
HAWKINS,

On part of Senate,  
WARE,  
HUDSPETH,  
S. D. DAVIS,  
BRYAN of Taylor,  
ONION.

On part of the House.

The report was read and adopted.

Senator Decker moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 217—PAS- SAGE OF.

The Chair laid before the Senate on second reading.

House bill No. 217, a bill to be entitled "An Act to amend the charter of the city of Galveston by amending Sections 35, 40, 70 and subdivisions (g) and (1) of Section 19, thereof, and by adding thereto Section 71a."

The committee report, which recommended an amendment, was adopted.

Senator Holland offered the following amendment, which was adopted:

Amend caption by adding thereto the words "and also Section 78a, ratifying and confirming an agreement and contract of settlement, adjustment and compromise between said city of Galveston and the Galveston Wharf Company, dated March 9, 1905."

Amend the bill by adding thereto Section 4, as follows:

Section 4. That the charter of the city of Galveston be and the same is hereby amended by adding thereto Section 78a, as follows:

Section 78a. That a certain agreement and contract of settlement, adjustment and compromise entered into by and between the city of Galveston

and the Galveston Wharf Company, bearing date the 9th day of March, 1905, be and the same is hereby in all things ratified, approved and confirmed, a substantial copy of which said agreement and contract is as follows: State of Texas, County of Galveston. Know All Men by These Presents:

That to finally settle the question of the apportionment of dividends to which the city of Galveston is and shall be entitled from the Galveston Wharf Company, and to finally compromise, settle and adjust all matters of difference and controversy, and all pending suits between said city of Galveston and said Galveston Wharf Company, the said city of Galveston, a body, corporate and politic, and the said Galveston Wharf Company, a corporation duly incorporated under and by virtue of the laws of the State of Texas, having its domicile and principal office and place of business in the city and county of Galveston, Texas, have mutually contracted and agreed to and with each other, and do hereby mutually contract and agree to and with each other, as follows:

1. Said Galveston Wharf Company shall pay to said city of Galveston, sixty thousand dollars (\$60,000.00) as follows. Ten thousand dollars (\$10,000.00) each year for three consecutive years and the balance of said total sum of sixty thousand dollars (\$60,000.00) in five equal annual payments of six thousand dollars (\$6,000.00) each, the payment of the first ten thousand dollars (\$10,000.00) to be made on the 1st day of November, 1905, and the remaining payments to be made on the 1st day of November of each consecutive year thereafter until the whole of said sum of sixty thousand dollars (\$60,000.00) shall have been paid, the said sum or an equivalent amount to be expended by said city of Galveston for drainage purposes in said city.

2. Said Galveston Wharf Company shall, as soon as this contract and agreement takes effect, dismiss its suit against said city of Galveston to recover overpayment of taxes, pending in the District Court of Galveston county, numbered on the docket of said court 12,796, involving, in round numbers, with interest, about fifty-seven thousand dollars (\$57,000.00), and said Galveston Wharf Company shall pay all court costs of said suit.

3. Said Galveston Wharf Company shall, as soon as this contract and agreement takes effect, pay to said city of Galveston the sum of two thousand dollars (\$2,000.00), and said city of Galveston shall receive said sum in full settlement of said city's claim against said Galveston Wharf Company for fire protection involved

in cause No. 22,321, now pending in the District Court of Galveston county, Texas, and said Galveston Wharf Company shall dismiss its petition in said cause, and said city of Galveston shall dismiss its cross action or plea in re-convention in said cause, and said city of Galveston shall have the right to make a charge against said Galveston Wharf Company, from and after the dismissal of said cause, for fire protection, according to rates to be fixed by the board of commissioners of the city of Galveston, or other government of said city, said rate, however, not to exceed forty cents per annum per thousand square feet of area occupied by said Galveston Wharf Company's sheds protected, said charge for fire protection, however, to be made against said Galveston Wharf Company only so long as said city of Galveston makes and enforces charges for fire protection against other persons or corporations for similar protection.

4. Said Galveston Wharf Company shall admit and recognize that by virtue of the hereinafter mentioned decree, said city of Galveston owns an undivided one-third (1-3) interest in all the property of said Galveston Wharf Company situated between Thirty-first street and Forty-first street, north of Avenue A, in said city of Galveston, including what would be the prolongations of Thirty-first street and Forty-first street, and all of intervening streets, if the same were opened, in the same manner as the said city's one-third (1-3) interest is now recognized and established in the property of the said Galveston Wharf Company situated in said city of Galveston between ninth and Thirty-first streets north of Avenue A by the decree entered in the District court of Brazoria county, Texas, on the 1st day of April, 1869, in a suit by said City of Galveston against said Galveston Wharf Company, which said decree was duly ratified and confirmed by an act of the Legislature of the State of Texas approved June 23, 1870, and said city's one-third (1-3) interest in all of the said property of said Galveston Wharf Company between Ninth street and Forty-first street north of Avenue A, in said City of Galveston, shall be represented by said city's sixty-two hundred and twenty-two (6222) shares of stock owned by said city in said Galveston Wharf Company.

5. Said City of Galveston shall have the right to open and construct drains and sewers, and combination drains and sewers, to the channel of Galveston Bay, through and across any of said wharf company's property at such places between said Ninth and Forty-first streets as may be necessary, and

the right of way and permission for that purpose is hereby granted by said Galveston Wharf Company to said City of Galveston, and said Galveston Wharf Company hereby releases any claim for compensation or damages against said city for the taking, use, construction and continuous maintenance of such drains, sewers and combination drains and sewers, and all such drains, sewers and combination drains and sewers so opened and constructed shall extend to the channel of Galveston Bay; provided, however, that if said city desires to construct any such drain (not a sewer nor combination drain and sewer) so as to empty into slip instead of the channel of the bay, said city shall first obtain written consent from said Galveston Wharf Company so to do, and if such consent is refused by said Galveston Wharf Company, nothing in this contract shall be construed to prevent said city from exercising any right of eminent domain it may have or acquire; and said city shall open and construct, at its own expense, all such drains, sewers and combination drains and sewers, through or across said Galveston Wharf Company's property, and the location of all such drains, sewers and combination drains and sewers shall be agreed upon between the city engineer of said city and the superintendent of said wharf company, and in case they can not agree upon such location, they shall select a third person, and the majority of the three shall select a location, but this agreement shall not be construed to impair said city's right of eminent domain. Said Galveston Wharf Company shall not be held liable for and is hereby released from liability for any damage or injury that may be done to said drains or sewers or combination drains and sewers by the construction by said Galveston Wharf Company of improvements upon its property or the operation or use of its said property for its ordinary business; provided, that if said wharf company shall construct any building, shed or permanent structure upon its said property any damage to any such drains or sewers or combination drains and sewers caused by said construction shall be promptly repaired by said wharf company at its own expense, or said drains or sewers or combination drains and sewers shall be, the expense of said wharf company, promptly adjusted or arranged so as not to impair the efficiency thereof; and provided that said city shall, at its own expense, promptly, and to the satisfaction of said wharf company, restore



any and all property of said wharf company in any manner disarranged, disturbed or injured by or as the result of the construction by said city of any such drains or sewers or combination drains, and sewers through or across said wharf company's property, to the same or as good condition as said property was in before such disarrangement, disturbance or injury.

6. Said Galveston Wharf Company shall be and hereby is released from any obligation to open any drains at its own expense and cost through or across any of its said property between said Ninth and Forty-first streets in said City of Galveston, and said wharf company shall have and is hereby granted the right and privilege, subject to the supervision of the city engineer of said city, to connect without charge any drains of its own with the drains or sewers or combination drains and sewers that may be constructed and maintained by said city through or across said wharf company's property; and said one-third (1-3) of said wharf company's entire property owned by said City of Galveston as aforesaid, shall be exempt from taxation, and said city shall be entitled to and shall receive dividends from said Galveston Wharf Company in the same manner in which such dividends have heretofore been paid; that is, said city shall be entitled to and shall receive upon each of its sixty-two hundred and twenty-two (6222) shares of stock the same amount of dividends as shall be paid by said Galveston Wharf Company on any other share of capital stock of said wharf company, all fixed charges and legitimate expenses of operating, maintaining, repairing and improving the entire property in the same manner as heretofore, including all taxes, interest and sinking funds that may be due or become due by said wharf company, to be first deducted before the payment of any dividends, all previous assessments and payments of taxes, interest, sinking funds and dividends being hereby admitted by said city to be correct; and said Galveston Wharf Company shall hold the title, subject to said city's one-third (1-3) interest therein, to said entire property included in the territory north of Avenue A and between said Ninth and Forty-first streets in the City of Galveston, including what would be the prolongations of all streets if opened through said property, and the control and management of the whole of said wharf company's property, including said city's one-third (1-3) interest therein, to remain in said wharf company in the same manner as fixed by the before

mentioned decree of the district court of Brazoria county, Texas, and said decree and all the terms and provisions thereof shall remain in full force and undisturbed except in so far as the same may be changed by this contract and agreement.

7. This contract and agreement shall take effect and become binding upon the respective parties hereto when the same shall have been confirmed and ratified by an Act of the Legislature of the State of Texas, and when such Act shall have taken effect, and not before.

In testimony whereof, said city of Galveston has caused these presents to be executed for it and on its behalf by the mayor-president, and attested by the secretary of the board of commissioners of said City of Galveston, and the corporate seal of said city hereto affixed in accordance with and by virtue of a resolution of the board of commissioners of said City of Galveston, adopted at the meeting of said board of commissioners held in the said City of Galveston, Texas, on the 9th day of March, A. D. 1905, a certified copy of which is hereto attached and marked for identification "Exhibit A," and made a part hereof, and said Galveston Wharf Company has caused these presents to be executed for it and on its behalf by its president, and attested by its secretary, and the corporate seal of said Galveston Wharf Company hereto affixed, in accordance with and by virtue of a resolution of the board of directors of said Galveston Wharf Company, adopted at the meeting of said board of directors of said Galveston Wharf Company adopted at the meeting of said board of directors held at the office of said Galveston Wharf Company in the City of Galveston, Texas, on the 9th day of March, A. D. 1905, a certified copy of which resolution is hereto attached and marked for identification "Exhibit B," and made a part hereof.

Executed in duplicate at Galveston, Texas, on the 9th day of March, A. D. 1905.

CITY OF GALVESTON.  
(Corporate Seal of City of Galveston.)

By WM. T. AUSTIN,  
Mayor-President of the Board of Commissioners of the City of Galveston.

Attest: JNO. D. KELLEY,  
Secretary of the Board of Commissioners of the City of Galveston.

GALVESTON WHARF CO.,  
(Corporate Seal of Galveston Wharf Company.)

By JOHN SEALY,  
President of said Galveston Wharf Company.

Attest: JNO. E. BAILEY,  
Secretary of said Galveston Wharf Co.

## EXHIBIT "A."

Be it resolved by the board of commissioners of the City of Galveston, That said city do make and enter into the proposed contract with the Galveston Wharf Company for the final settlement of the question of the apportionment of dividends to which said City of Galveston is and shall be entitled from said Galveston Wharf Company, and for the final compromise, settlement and adjustment of all matters of difference between said City of Galveston and the Galveston Wharf Company, which said proposed contract, bearing date the 9th day of March, 1905, is hereto attached, and that the mayor-president of said board of commissioners of the City of Galveston be, and he is hereby empowered, authorized and directed to execute and sign said contract on behalf of the City of Galveston, and the secretary of said board of commissioners of the City of Galveston be, and he is hereby authorized, empowered and directed to attest said contract, and affix thereto the corporate seal of said City of Galveston.

State of Texas, City and County of Galveston.

We, Wm. T. Austin, mayor-president of the board of commissioners of the city of Galveston, and Jno. D. Kelley, secretary of said board of commissioners, do hereby certify that the foregoing is a true and correct copy of a resolution unanimously adopted by the board of commissioners of the city of Galveston at the meeting of said board held at the city hall in the city of Galveston, Texas, on the 9th day of March, 1905, as said resolution appears of record in the minutes of said meeting of said board of commissioners of the city of Galveston.

Witness our official signatures and the corporate seal of said city of Galveston hereto affixed at said city of Galveston, this 9th day of March, 1905.

WM. T. AUSTIN,

Mayor-President of the Board of Commissioners of the City of Galveston.  
(Corporate Seal of City of Galveston.)

JNO. D. KELLEY,

Secretary of the Board of Commissioners of the City of Galveston.

## EXHIBIT "B."

Be it resolved by the board of directors of the Galveston Wharf Company, That said Galveston Wharf Company do make and enter into the proposed contract with the city of Galveston for the final settlement of the question of the apportionment of dividends to

which said city of Galveston is and shall be entitled from said Galveston Wharf Company, and for the final compromise, settlement and adjustment of all matters of differences and controversy, and all pending suits between said city of Galveston and said Galveston Wharf Company, which said proposed contract, bearing date of the 9th day of March, 1905, is hereto attached, and that the president of said Galveston Wharf Company be and he is hereby empowered, authorized and directed to execute and sign said contract on behalf of said Galveston Wharf Company, and the secretary of said Galveston Wharf Company be, and he is hereby authorized, empowered and directed to attest said contract and affix thereto the corporate seal of said Galveston Wharf Company.

State of Texas, City and County of Galveston.

We, Jno. Sealy, president of the Galveston Wharf Company, and Jno. E. Bailey, secretary of said Galveston Wharf Company, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the board of directors of said Galveston Wharf Company at the meeting of said board of directors held at the office of said Galveston Wharf Company in the city of Galveston, Texas, on the 9th day of March, 1905, as said resolution appears of record in the minutes of said meeting of said board of directors.

Witness our official signatures and corporate seal of said Galveston Wharf Company hereto affixed at said city of Galveston, Texas, this 9th day of March, 1905.

JNO. SEALY,

President of the Galveston Wharf Company.

(Corporate Seal of Galveston Wharf Company.)

JNO. E. BAILEY,

Secretary of the Galveston Wharf Company.

Amend by inserting after the word "services," line 22, page 6, of the printed bill, the following: "Beginning June 1st, 1905."

Senator Holland offered the following amendment, which was adopted:

Amend the caption by inserting after the figure "7," added by committee amendment, "15, 32."

Senator Holland offered the following amendment, which was adopted:

Amend by adding after the word "city," page 1, line 22, of the printed bill, the following: "And for the construction and maintenance of drains, sewers and combination drains and sewers."

Senator Holland offered the following amendment, which was adopted:

Amend by striking out the figure "4," page 5, line 16, of the printed bill, and inserting in lieu thereof "5."

Senator Holland offered the following amendment, which was adopted:

Amend by adding after the word "city" in line 25 of the committee report, the following:

Sec. 15. In case the president of said board is unable to perform the duties of his office by reason of temporary or continued absence or sickness, the said board shall appoint, by ballot, by a majority vote of all the members thereof, one of their number to act in his stead, whose official designation shall be "Acting President of the Board of Commissioners," and the commissioner so appointed shall be vested with all the powers and shall perform all the duties of the president of said board during such absence or sickness, and shall receive the salary of the said president during such vacancy.

Provided, that it shall continue for ten days or longer, and during such absence in excess of ten days the president shall receive no salary.

Provided further, that the commissioner receiving compensation as acting president shall not receive his salary as commissioner for the same time he receives compensation as acting president.

Sec. 32. The board of commissioners shall have power to remove any officer for incompetency, inefficiency, corruption, malconduct, malfeasance or nonfeasance in office, or such other causes as may be prescribed by ordinance, after due notice in writing and opportunity to be heard in his defense, under the rules and regulations hereinafter set forth; provided, however, that by the word "officer" as used in this section is meant all officers whose office is created by this charter, except policemen and firemen. That whenever charges are preferred in writing, under oath, and filed with the president of said board by any person against any such officer for any or all of the offenses named or provided for as above, it shall be his duty to have the accused duly served with a copy of such charges, and shall set a day to inquire into the truth of such charges, and shall notify the accused and the other members of said board and the witnesses for and against the accused to be present, and the said board of commissioners shall constitute a court to try and determine said case, and they are hereby invested with exclusive jurisdiction to hear and determine said charges, and may continue the investigation from day to day, upon proper showing, to enable the accused or prosecutor to get material evidence before

said board. The accused shall have the right to be heard, in person or by counsel, and said board shall likewise be represented by counsel, if they desire it. Upon the conclusion of the investigation and argument of the case a vote shall be taken on each charge and specification, and if a majority of all the members of said board vote to sustain either of the charges against the accused, said board shall enter, or cause to be entered, its judgment, in which shall be recorded the vote of each member of the board upon the several charges and specifications, and an order shall be entered removing the accused from his office and declaring the same vacant. But, if the vote is otherwise, the accused shall be declared "not guilty," and judgment entered accordingly.

Bill read second time and passed to a third reading.

On motion of Senator Holland, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Stone.
Harbison.	Willacy.
Hawkins.	

Absent.

Davidson.	Smith.
Glasscock.	Stafford.
Hale.	Stokes.
Harper.	Terrell.

The bill was read third time and passed by the following vote:

Yeas—23.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Davidson.	Skinner.
Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

Senator Holland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 270—PASSAGE OF.

The Chair laid before the Senate, on second reading,

House bill No. 270, a bill to be entitled "An Act changing and fixing the times of holding the courts in Twelfth Judicial District of Texas, providing for a longer term in Trinity county, and declaring an emergency."

Bill read second time and passed to a third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

The bill was read third time and passed by the following vote:

## Yeas—24.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

## Absent.

Chambers.	Smith.
Glasscock.	Stafford.
Hale.	Stokes.
Harper.	

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 390—PASSAGE OF.

The Chair laid before the Senate on second reading,

House bill No. 390, a bill to be entitled "An Act creating a more efficient road law for Comanche county," \* \* \* etc.,

On motion of Senator Grinnan the committee report was adopted.

Bill read second time and passed to third reading.

On motion of Senator Grinnan the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

The bill was read third time and passed by the following vote:

## Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	



## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 397—PASSAGE OF.

On motion of Senator Looney, the pending order of business (House bill No. 433) was suspended, and the Senate took up, out of its order, House bill No. 397.

On motion of Senator Looney, the committee report was adopted.

On motion of Senator Looney, the Senate rule, requiring committee reports to lay over for one day, was suspended by the following vote:

## Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

The Chair laid before the Senate, on second reading,

House bill No. 397, a bill to be entitled "An Act to amend an act passed by the Twenty-eighth Legislature, to create the Sixty-second Judicial District of Texas, and giving the judge of the Sixty-second Judicial District power to empanel the grand jury whenever he thinks it necessary, and to have cognizance of civil and criminal cases, and to have power to summon and empanel juries in all cases in Delta county, and declaring an emergency," with engrossed rider.

Senator Looney offered the following amendment which was adopted:

Amend Section 1 of the bill so as to provide that the May term of the court in Hunt county may continue in session ten weeks instead of eight weeks.

Bill read second time and passed to a third reading.

On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

## Absent.

Davidson.	Smith.
Glasscock.	Stafford.
Hale.	Stokes.
Harper.	

The bill was read third time and passed by the following vote:

## Yeas—24.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

## Absent.

Davidson.	Smith.
Glasscock.	Stafford.
Hale.	Stokes.
Harper.	

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## BILLS AND RESOLUTIONS.

## (Bills.)

By Senator McKamy:

Senate bill No. 301, a bill to be entitled "An Act to create a more efficient road system for Dallas county, Texas, and defining the powers and duties of the Commissioners Court of said county relative to roads and

bridges of said county, and making county commissioners of said county ex-officio road commissioners of their respective districts, and prescribing their duties and compensation as road commissioners; and providing for the election of a county engineer of said county, and prescribing the term for which he shall serve, his duties and compensation; and providing, conditionally, for the employment of a consulting engineer; and providing for the laying out, opening, widening, drainage, grading, construction, building, repair and maintenance of public roads of said county, and for the classification and abandonment thereof; and providing for the condemnation of lands and material for use in opening, constructing, repairing and maintaining such public roads; and authorizing said court to direct the opening up of and to open up drains along railways in said county; and abolishing road service and road overseers in said county; and providing for the payment of a road tax; and directing the application of the road and bridge fund of said county, and of proceeds of sale of bonds of said county, issued for road and bridge purposes, and limiting the power of said court to transfer such funds; and prohibiting said court and members thereof from making an excessive levy of taxes for road and bridge purposes; and limiting the power of said court to issue warrants or create debts against the county in connection with such roads and bridges; and providing for the use, management and control of county convicts of said county; and providing for the letting of contracts and purchase of supplies in certain cases, and prohibiting members of such court and county officers of said county from becoming financially interested therein; and providing for the issuance and sale of bonds of said county for the purpose of building, construction, improving, repairing and maintaining roads and bridges of a permanent nature; and authorizing the investment of the permanent school fund of the State of Texas and of said county in such bonds; and requiring the county treasurer of said county to keep a separate account of proceeds of sale of such bonds, and limiting his duties in the disbursement thereof; and providing for the protection of ornamental shade trees; and for the placing and preservation of sign boards along such public roads; and prescribing penalties and providing punishment for violation of this Act, and providing for the application of fines for such violations, and of all money collected on contract under this Act to the road and bridge fund of said county; and providing that this Act be given specially in

charge to the grand jury of said county; and declaring this Act cumulative of general laws except in case of conflict, when this Act shall control; and repealing all laws and parts of laws in conflict with this Act, and declaring an emergency.

Read first time, and referred to the Committee on Roads, Bridges and Ferries.

#### HOUSE BILL NO. 433.

The Chair laid before the Senate, on second reading,

House bill No. 433, a bill to be entitled "An Act to amend the charter of the city of El Paso."

The committee report was adopted.

On motion of Senator Hill, further consideration of the bill was suspended till Tuesday morning, and it be made a special order.

#### HOUSE BILL NO. 393—PAS-SAGE OF.

The Chair laid before the Senate, on second reading,

House bill No. 393, a bill to be entitled "An Act to amend Section 4, of Chapter 86, of the General Laws passed by the Twenty-eighth Legislature at its regular session, entitled 'An Act to protect stock raisers and farmers, and providing for the destruction of wolves and other wild animals, to require the Commissioners Courts of the several counties of the State not herein specially exempted to pay for the killing of such wolves and other wild animals, and to repeal all laws in conflict herewith.'"

Senator Grinnan offered the following amendment, which was adopted:

Amend by adding after the word "Milam" in line 5, page 2, the following: "Mills."

Senator Paulus offered the following amendment, which was adopted:

Amend page 21, line 5, by striking out the word "Lavaca."

Bill read second time and passed to a third reading. On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Faust.
Beaty.	Griggs.
Brachfield.	Grinnan.
Chambers.	Hanger.
Davidson.	Harbison.
Decker.	Hawkins.
Faulk.	Hicks.

Hill.	Paulus.
Holland.	Skinner.
Martin.	Stone.
McKamy.	Terrell.
Meachum.	Willacy.

## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.
Looney.	

The bill was read third time and passed by the following vote:

## Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

Senator Faust moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 251—PASSAGE OF.

The Chair laid before the Senate, on second reading,

House bill No. 251 a bill to be entitled "An Act to amend Chapter 153 of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth Legislature, and amended at the regular session of the Twenty-sixth Legislature, and at the regular session of the Twenty-seventh Legislature, and the the first called session of the Twenty-seventh Legislature, and at the regular session of the Twenty-eighth Legislature, 'An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of an ordinary hook and line and trotline, and to prohibit the sale or shipment of game fish in this State, and to provide penalties for the violation thereof,' by fixing a penalty for the use of poison, dynamite or other explosives in killing catching and taking fish."

Senator Brachfield offered the following amendment, which was adopted.

Amend the printed bill by striking out the word "Harrison," in line 22, page 2, and the word "Gregg," in line 21, page 2.

Senator Brachfield offered the following amendment, which was adopted:

Amend by adding after the word "that," in line 31, page 2, the words "Gregg, Harrison and," and by adding after the word "further," in line 32, the following: "provided that the county of Harrison shall be exempt from the provisions of this section as to the waters of Little Cypress from Tuscombia bridge west to the county line."

Senator Martin offered the following amendment, which was adopted:

Amend Section 2, line 20, page 2, of the printed bill by striking out the word "Coryell."

Bill read second time and passed to a third reading. On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

The bill was read third time and passed.

## FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

Committee Room,  
Austin, Texas, March 21, 1905.  
Hon. F. W. Seabury, Speaker of the House of Representatives, and Hon. Geo. D. Neal, President of the Senate.  
Sirs: We, your Free Conference Committee on

House bill No. 277, a bill to be entitled "An Act to reorganize the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Ju-

dicial Districts of the State of Texas, and to fix the time of holding court in said districts; to place the counties of Jackson and Karnes in the Twenty-fourth Judicial District, and the county of Wilson in the Thirty-sixth Judicial District, and the counties of Dimmit and LaSalle and Frio in the Forty-ninth Judicial District; to provide for the present district judge and district attorney of each of said districts acting as judge and attorney of their respective districts until the term of office for which each was elected may expire; to validate all writs and other process heretofore issued out of the district courts of said districts; and to repeal all laws and parts of laws in conflict herewith."

Appointed to adjust the differences between the House and the Senate, have had the same under consideration, and beg leave to report that we have reached an agreement, and herewith recommend that said bill be passed, with the following amendments:

Amend the bill by striking out of Section 1 the following: "In the county of Matagorda on the sixteenth Monday after second Monday in February and on the seventeenth Monday after the first Monday in September, and may continue in session five weeks," and insert in lieu thereof the following: "In the county of Matagorda on the sixteenth Monday after the second Monday in February, and may continue in session ten weeks, or until the business is disposed of, and on the seventeenth Monday after the first Monday in September, and may continue in session five weeks."

Amend the bill by striking out all of Section 2, and insert in lieu thereof the following:

Sec. 2. That the Twenty-fourth Judicial District of Texas shall hereafter be composed of the counties of Bee, Goliad, Jackson, Karnes, Refugio, Calhoun, Victoria and DeWitt, and the district court shall be held therein as follows:

In the county of Bee on the second Monday in February and the first Monday in September, and may continue in session three weeks.

In the county of Goliad on the third Monday after the second Monday in February and the third Monday after the first Monday in September, and may continue in session two weeks.

In the county of Jackson on the fifth Monday after the second Monday in February and the fifth Monday after the first Monday in September, and may continue in session two weeks.

In the county of Karnes on the seventh Monday after the second Monday

in February and the seventh Monday after the first Monday in September, and may continue in session three weeks.

In the county of Refugio on the tenth Monday after the second Monday in February and the tenth Monday after the first Monday in September, and may continue in session one week.

In the county of Calhoun on the eleventh Monday after the second Monday in February and the eleventh Monday after the first Monday in September, and may continue in session one week.

In the county of Victoria on the twelfth Monday after the second Monday in February and the twelfth Monday after the first Monday in September, and may continue in session four weeks.

In the county of DeWitt on the sixteenth Monday after the second Monday in February and the sixteenth Monday after the first Monday in September, and may continue in session five weeks.

Amend the bill by striking out all of Section 4, and insert in lieu thereof the following:

Sec. 4. That the Thirty-sixth Judicial District be composed of the counties of Aransas, San Patricio, Live Oak, McMullen, Atascosa and Wilson, and the district court shall be held therein as follows:

In the county of Aransas on the first Monday in February and September, and may continue in session two weeks.

In the county of San Patricio on the second Monday after the first Monday in February and September, and may continue in session three weeks.

In the county of Live Oak on the fifth Monday after the first Monday in February and September, and may continue in session two weeks.

In the county of McMullen on the seventh Monday after the first Monday in February and September, and may continue in session two weeks.

In the county of Atascosa on the ninth Monday after the first Monday in February and September, and may continue in session four weeks.

In the county of Wilson on the thirteenth Monday after the first Monday in February and September, and may continue in session until the business is disposed of.

Amend the bill by striking out all of Section 5, and insert in lieu thereof the following:

Sec. 5. That the Forty-ninth Judicial District of Texas shall hereafter be composed of the counties of Dimmit, LaSalle, Frio, Zapata and Webb, and

the district court shall be held therein as follows:

In the county of Dimmit on the first Monday in September and February, and may continue in session two weeks.

In the county of Frio on the third Monday in September and February, and may remain in session three weeks.

In the county of LaSalle on the fifth Monday after the first Monday in September and February, and may remain in session two weeks.

In the county of Zapata on the eighth Monday after the first Monday in September and February, and may remain in session one week.

And in the county of Webb on the ninth Monday after the first Monday in September and February, and may remain in session until the business is disposed of.

Amend the bill by striking out all of Section 8, and insert in lieu thereof the following:

Sec. 8. That the terms of the district court of the Twenty-third, Twenty-fourth, Twenty-fifth and Thirty-sixth Judicial Districts as constituted by the provisions of this act shall not be held under the terms of this act until the 1st day of September, A. D. 1905, and the spring terms of said courts of said districts as constituted by this act shall be held as now provided by law.

Amend the bill by adding thereto Section 10, as follows:

"Section 10. The near approach of the end of the session, the crowded condition of the calendar and the importance of the prompt passage of this act, create an emergency and imperative public necessity, which requires that the constitutional rule providing that all bills be read on three several days, be suspended, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

HOLLAND,

DAVIDSON,

On the part of the Senate,

SEVIER,

WILSON,

MURRAY of Wilson,

BROWNE of Karnes,

On the part of the House.

The report was adopted by the following vote:

Yeas—24.

Barrett.	Grinnan.
Beaty.	Hanger.
Brachfield.	Harbison.
Chambers.	Hawkins.
Davidson.	Hicks.
Decker.	Hill.
Faulk.	Holland.
Faust.	Looney.
Griggs.	Martin.

McKamy.	Skinner.
Meachum.	Terrell.
Paulus.	Willacy.

Absent.

Glasscock.	Stafford.
Hale.	Stokes.
Harper.	Stone.
Smith.	

Senator Davidson moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 438—PASSAGE OF.

The Chair laid before the Senate, on second reading,

House bill No. 438, a bill to be entitled "An Act to more definitely locate and define the boundary lines of Colorado county, and to repeal all laws in conflict therewith."

The committee report was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

Absent.

Barrett.	Smith.
Glasscock.	Stafford.
Hale.	Stokes.
Harper.	

The bill was read third time and passed.

#### HOUSE BILL NO. 253—PAS- SAGE OF.

The Chair laid before the Senate, on second reading,

House bill No. 253, a bill to be entitled "An Act to amend Section 6 of Chapter 102 of the acts of the regu-



lar session of the Twenty-sixth Legislature, entitled 'An Act to promote agriculture and stock raising, and to prohibit the hunting with firearms or dogs upon the inclosed or posted lands of another in all counties within this State not specially named as exempt from the provisions of this act,' as amended by the Twenty-eighth Legislature, and to provide a penalty therefor."

Senator Brachfield offered the following amendment, which was adopted.

Amend the printed bill by striking out "Gregg" in line 32, page 1.

Bill read second time and passed to third reading.

On motion of Senator Brachfield the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

The bill was read third time and passed.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 473—PAS-SAGE OF.

The Chair laid before the Senate, an second reading.

House bill No. 473, a bill to be entitled "An Act to amend the charter of the city of Sherman, entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' passed by the Twenty-fourth Legislature, as amended by amending Section 97 thereof, in regard to the levying and collecting of taxes, and to repeal all laws and parts of laws in conflict therewith, and to declare an emergency."

Bill read second time and passed to third reading.

On motion of Senator Harbison the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

The bill was read third time, and passed by the following vote:

Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

Senator Harbison moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE REFUSES TO ADJOURN.

Senator Davidson moved that the Senate adjourn till tomorrow morning at 10 o'clock. The motion was lost by the following vote:

Yeas—4.

Hanger.	Martin.
Looney.	Skinner.

## Nays—20.

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Holland.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Stone.
Grinnan.	Terrell.

## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

CONSIDERATION OF HOUSE  
BILLS SUSPENDED.

On motion of Senator Hicks the pending order of business (consideration of House bills) was suspended, and the Senate took up Senate bills by the following vote.

## Yeas—19.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stone.
Grinnan.	Willacy.
Hawkins.	

## Nays—6.

Chambers.	Martin.
Hanger.	Meachum.
Harbison.	Terrell.

## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

SENATE BILL NO. 153—HOUSE  
AMENDMENTS CON-  
CURRED IN.

Senator Grinnan called up Senate bill No. 153, a bill to be entitled "An Act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts of the State of Texas, and fix the time for holding court therein, as passed by the Twenty-seventh Legislature, Chapter 64, page 133, and to repeal all laws and parts of laws in conflict therewith."

And moved that the Senate concur in the following House amendments:

Amend by striking out all of lines 2, 3 and 4, page 2, and insert after the word "weeks," line 19, page 2, the following: "In the county of Brown on the fifteenth Monday after the first Monday in February and September, and may continue in session until the business is disposed of."

The motion to concur was adopted by the following vote:

## Yeas—23.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Hawkins.	Willacy.
Hicks.	

## Absent.

Decker.	Harper.
Glasscock.	Smith.
Hale.	Stafford.
Harbison.	Stokes.

Senator Grinnan moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 168—POST-  
PONED INDEFINITELY.

The Chair laid before the Senate, on second reading,

Senate bill No. 168, a bill to be entitled "An Act to amend an act passed at the special session of the Twenty-seventh Legislature, approved September 2, 1901, to create the Fifty-eighth Judicial District of the State of Texas, by amending Section 8 of said act."

On motion of Senator Beaty, further consideration of the bill was postponed indefinitely.

SENATE BILL NO. 300—PASSAGE  
OF.

On motion of Senator Beaty, the pending order of business was suspended, and the Senate took up out of its order, Senate bill No. 300.

The Chair laid before the Senate, on second reading,

Senate bill No. 300, a bill to be entitled "An Act to amend Chapter 3 of the General Laws of the State of Texas passed at the first called session of the Twenty-seventh Legislature, approved September 2, 1901, amending

Chapter 3, Section 1, of an act to amend Section 1 of an act entitled 'An Act to redistrict the State into judicial districts and fix the times for holding court therein; and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to amend an act entitled 'An Act to regulate the terms and fix the times for holding district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties,' approved April 10, 1889; to create the Fifty-eighth Judicial District of the State of Texas; to fix the times for holding court therein, and to provide for the appointment of a district judge and a district attorney for said Fifty-eighth Judicial District, and to validate all writs and other process heretofore issued out of the District Court of said First Judicial District, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency; and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

Senator Beaty offered the following amendment, which was adopted:

Amend the caption of the bill by adding after the word "repeal," in line 2, from the bottom thereof, on page 1, the following: "Section 8 of said act limiting the existence of the Fifty-eighth Judicial District to January 1, A. D. 1907, and."

Senator Beaty offered the following amendment, which was adopted:

Amend the bill by adding the following after the word "repealed," at the end of Section 7, on page 3:

"Provided, however, it is not the intention of this act to repeal any part of Chapter 7 of the Acts of the Twenty-eighth Legislature, approved February 3, A. D. 1903, creating the Sixtieth Judicial District of Texas."

Bill read second time and ordered engrossed.

On motion of Senator Beaty, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Barrett.	Griggs.
Beaty.	Grinnan.
Brachfield.	Hanger.
Chambers.	Hicks.
Decker.	Hill.
Faulk.	Martin.
Faust.	McKamy.

Meachum.  
Paulus.  
Skinner.

Stone.  
Terrell.  
Willacy.

Nays—3.

Harbison.  
Hawkins.

Looney.

Present—Not Voting.

Davidson.

Absent.

Glasscock.  
Hale.  
Harper.  
Holland.

Smith.  
Stafford.  
Stokes.

The bill was read third time, and passed by the following vote:

Yeas—19.

Barrett.  
Beaty.  
Davidson.  
Decker.  
Faulk.  
Faust.  
Griggs.  
Hanger.  
Hawkins.  
Hicks.

Hill.  
Martin.  
McKamy.  
Meachum.  
Paulus.  
Skinner.  
Stone.  
Terrell.  
Willacy.

Nays—5.

Brachfield.  
Chambers.  
Grinnan.

Harbison.  
Looney.

Absent.

Glasscock.  
Hale.  
Harper.  
Holland.

Smith.  
Stafford.  
Stokes.

Senator Beaty moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO 301—PASSAGE OF.

On motion of Senator McKamy, the pending order of business (Senate bill No. 224) was suspended, and the Senate took up, out of its order, Senate bill No. 301.

On motion of Senator McKamy, the committee report was adopted.

On motion of Senator McKamy, the Senate rule requiring committee reports to lay over for one day was suspended by the following vote:

Yeas—25.

Barrett.  
Beaty.  
Brachfield.

Chambers.  
Davidson.  
Decker.

Faulk.  
Faust.  
Griggs.  
Grinnan.  
Hanger.  
Harbison.  
Hawkins.  
Hicks.  
Hill.  
Holland.

Looney.  
Martin.  
McKamy.  
Meachum.  
Paulus.  
Skinner.  
Stone.  
Terrell.  
Willacy.

## Absent.

Glasscock.  
Hale.  
Harper.

Smith.  
Stafford.  
Stokes.

On motion of Senator McKamy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

## Yeas—25.

Barrett.  
Beaty.  
Brachfield.  
Chambers.  
Davidson.  
Decker.  
Faulk.  
Faust.  
Griggs.  
Grinnan.  
Hanger.  
Harbison.  
Hawkins.

Hicks.  
Hill.  
Holland.  
Looney.  
Martin.  
McKamy.  
Meachum.  
Paulus.  
Skinner.  
Stone.  
Terrell.  
Willacy.

## Absent.

Glasscock.  
Hale.  
Harper.

Smith.  
Stafford.  
Stokes.

The Chair laid before the Senate, on second reading,

Senate bill No. 301, "An Act creating a more efficient road system for Dallas county."

Bill read second time and ordered engrossed.

On motion of Senator McKamy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Barrett.  
Beaty.  
Brachfield.  
Chambers.  
Davidson.  
Decker.  
Faulk.  
Faust.  
Griggs.  
Grinnan.  
Hanger.  
Harbison.  
Hawkins.

Hicks.  
Hill.  
Holland.  
Looney.  
McKamy.  
Meachum.  
Paulus.  
Skinner.  
Stokes.  
Stone.  
Terrell.  
Willacy.

35—Senate.

## Absent.

Glasscock.  
Hale.  
Harper.

Martin.  
Smith.  
Stafford.

The bill was read third time and passed by the following vote:

## Yeas—25.

Barrett.  
Beaty.  
Brachfield.  
Chambers.  
Davidson.  
Decker.  
Faulk.  
Faust.  
Griggs.  
Grinnan.  
Hanger.  
Harbison.  
Hawkins.

Hicks.  
Hill.  
Holland.  
Looney.  
McKamy.  
Meachum.  
Paulus.  
Skinner.  
Stokes.  
Stone.  
Terrell.  
Willacy.

## Absent.

Glasscock.  
Hale.  
Harper.

Martin.  
Smith.  
Stafford.

Senator McKamy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 224.

The Chair laid before the Senate, on second reading,

Senate bill No. 224, a bill to be entitled "An Act to prohibit the granting or use for railway purposes of any part of the tract of land in the city and county of Galveston, Texas, acquired by the county or the commissioners court thereof for seawall purposes."

On motion of Senator Holland, the bill was postponed indefinitely.

## SENATE BILL NO. 236—ENGROSSMENT OF.

The Chair laid before the Senate, on second reading,

Senate bill No. 236, a bill to be entitled "An Act to amend Article 899 of the Penal Code of the State of Texas of 1895 so as to require the butchers of Karnes county, Texas, to give bond as required by law."

The bill was read second time and ordered engrossed.

## SENATE BILL NO. 237—PASSAGE OF.

The Chair laid before the Senate, on second reading,

Senate bill No. 237, a bill to be en-

titled "An Act to amend Sections 1, 14, 15 and 16, and add Section 17, containing the emergency clause, to Chapter 110 of the Acts of the Twenty-fifth Legislature, entitled," etc.

Bill read second time and ordered engrossed.

On motion of Senator Skinner, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Grinnan.	Skinner.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

Absent.

Barrett.	Martin.
Glasscock.	Smith.
Griggs.	Stafford.
Hale.	Stokes.
Harper.	

The bill was read third time and passed by the following vote:

Yeas—23.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

Absent.

Glasscock.	Martin.
Griggs.	Smith.
Hale.	Stafford.
Harper.	Stokes.

Senator Skinner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 256—POSTPONED.

The Chair laid before the Senate, on second reading,

Senate bill No. 256, a bill to be entitled "An Act to create the Sixty-second

Judicial District of Texas; to name the counties composing said district; to prescribe the time of holding the terms of the district court in said district; to provide for the appointment of district judge for said district; giving authority to the judges to either the Sixth or Sixty-second Judicial District in the county of Lamar to transfer cases from their respective courts to the other of said courts, and giving authority to the judges of either the Eighth or Sixty-second Judicial Districts in the counties of Hunt and Delta to transfer cases from their respective courts in each of said counties to the other of said courts; providing that the clerk of the district court of Lamar county shall be the clerk of the district court of both the Sixth Judicial District and the Sixty-second Judicial District of said county, and that the clerk of the district court of the Eighth Judicial District of the counties of Hunt and Delta shall be the clerk of the district court of the Sixty-second Judicial District for said counties, and providing that the clerks of said courts shall be required to transfer from the dockets of said courts any cases pending at the time of the passage of this act in the Sixty-second district court, as it formerly existed, to the docket of the district court of the Sixty-second Judicial District for said county, created by this act; validating the judgments and decrees of the district court of the Sixty-second Judicial District, as it heretofore existed, and providing that process issued in the Sixty-second Judicial District, as heretofore constituted, shall be valid, and shall be returnable to the Sixty-second Judicial District, as created by this act, and declaring an emergency."

On motion of Senator Chambers further consideration of the bill was postponed indefinitely.

SENATE BILL NO. 276—PAS-SAGE OF.

The Chair laid before the Senate on second reading,

Senate bill No. 276, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Hallettsville, in the county of Lavaca, and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the 'Hallettsville Independent School District,' with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."



The committee report was adopted, on motion of Senator Paulus.

Bill read second time and ordered engrossed.

On motion of Senator Paulus the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—23.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Beaty.	Martin.
Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

The bill was read third time and passed by the following vote:

## Yeas—23.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stone.
Grinnan.	Terrell.
Hanger.	Willacy.
Harbison.	

## Absent.

Glasscock.	Martin.
Hale.	Smith.
Harper.	Stafford.
Hill.	Stokes.

Senator Paulus moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 277—PASSAGE OF.

On motion of Senator Hicks, the committee report was adopted.

On motion of Senator Hicks, the Senate rule, requiring committee reports to lay over one day, was suspended by the following vote:

## Yeas—24.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.

## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.
Martin.	

The Chair laid before the Senate, on second reading,

Senate bill No. 277, a bill to be entitled "An Act to amend Section 17 of an act incorporating the trustees of the independent school district of the city of San Antonio, Texas, passed at the regular session of the Twenty-eighth Legislature of the State of Texas, Chapter 128 of the General Laws."

Bill read second time and ordered engrossed.

On motion of Senator Hicks, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.

## Absent.

Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.
Martin.	

The bill was read third time and passed.

Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE CONCURRENT RESOLUTION NO. 17—ADOPTION OF.

On motion of Senator Hicks, the pending order of business was suspended, and the Senate took up, out of its order, House concurrent resolution No. 17.

The Chair laid before the Senate House concurrent resolution No. 17, inviting Hon. Paul Martin, Secretary United States navy, to Texas on the occasion of the visit of the President.

Senator Hicks offered the following amendment:

Amend by striking out the word "Martin" wherever it occurs and insert the word "Morton."

The amendment was adopted.

The resolution was then adopted.

## HOUSE BILL NO. 578—PAS-SAGE OF.

On motion of Senator Harbison, the pending order of business was suspended, and the Senate took up, out of its order, House bill No. 578.

The committee report was adopted.

On motion of Senator Harbison the Senate rule requiring committee reports to lay over for one day was suspended by the following vote:

## Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Glasscock.	Martin.
Hale.	Smith.
Harper.	Stafford.

The Chair laid before the Senate, on second reading,

House bill No. 578, a bill to be entitled "An Act to create a more efficient road system for Cooke county, Texas."

Bill read second time, and passed to a third reading.

On motion of Senator Harbison the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

## Absent.

Beaty.	Martin.
Glasscock.	Smith.
Hale.	Stafford.
Harper.	

The bill was read third time, and passed by the following vote:

## Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Glasscock.	Martin.
Hale.	Smith.
Harper.	Stafford.

Senator Harbison moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 574—PAS-SAGE OF.

On motion of Senator Chambers the pending order of business (House bill No. 546) was suspended, and the Senate took up, out of its order, House bill No. 574.

The Chair laid before the Senate, on second reading,

House bill No. 574, a bill to be entitled "An Act to create a special road law for Titus county, Texas."

Bill read second time and passed to a third reading.

On motion of Senator Chambers the constitutional rule requiring bills to be read on three several days was

suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Hanger.	Terrell.
Harblson.	Willacy.
Hawkins.	

## Absent.

Glasscock.	Martin.
Hale.	Smith.
Harper.	Stafford.

The bill was read third time and passed.

Senator Chambers moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 566—PASSAGE OF.

On motion of Senator Terrell, the pending order of business (House bill No. 546) was suspended, and the Senate took up, out of its order, House bill No. 566.

The Chair laid before the Senate, on second reading,

House bill No. 566, a bill to be entitled "An Act to amend Chapter 21 of the Special Laws of the Twenty-seventh Legislature, creating a road law for Cass county, Texas, and being entitled 'An Act to create a more efficient road law for Cass county, creating the office of county road superintendent, prescribing his qualifications and duties and fixing salary for same; providing for working county and State convicts and delinquent poll tax payers on public roads.'"

The committee report was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Barrett.	Chambers.
Beaty.	Davidson.
Brachfield.	Decker.

Faulk.	Looney.
Faust.	McKamy.
Griggs.	Meachum.
Grinnan.	Paulus.
Hanger.	Skinner.
Harblson.	Stokes.
Hawkins.	Stone.
Hicks.	Terrell.
Hill.	Willacy.
Holland.	

## Absent.

Glasscock.	Martin.
Hale.	Smith.
Harper.	Stafford.

The bill was read third time and passed by the following vote:

## Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Hanger.	Terrell.
Harblson.	Willacy.
Hawkins.	

## Absent.

Glasscock.	Martin.
Hale.	Smith.
Harper.	Stafford.

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 471—PASSAGE OF.

The committee report was adopted.

On motion of Senator Chambers, the Senate rule requiring committee reports to lay over was suspended by the following vote:

## Yeas—24.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Hanger.	Terrell.
Harblson.	Willacy.

## Absent.

Glasscock.	Paulus.
Hale.	Smith.
Harper.	Stafford.
Martin.	

The Chair laid before the Senate, on second reading,

House bill No. 471, a bill to be entitled "An Act to restore and confer upon the county court of Titus county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court; to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

Bill read second time and passed to a third reading.

On motion of Senator Chambers the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.

## Absent.

Glasscock.	McKamy.
Hale.	Smith.
Harper.	Stafford.
Martin.	

The bill was read third time and passed.

Senator Chambers moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

# HOUSE BILL NO. 509—PAS- SAGE OF.

The committee report was adopted.

On motion of Senator Skinner the Senate rule requiring committee reports to lay over for one day was suspended by the following vote:

## Yeas—23.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Decker.	Martin.
Glasscock.	Smith.
Hale.	Stafford.
Harper.	Stokes.

The Chair laid before the Senate, on second reading,

House bill No. 509, a bill to be entitled "An Act to incorporate the city of Cleburne, in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs."

Senator Skinner offered the following amendment, which was adopted:

Amend by striking out all of Section 49 and inserting in lieu thereof the following:

Section 49. The office of City Treasurer shall be let by contract to the highest and best bidder, in the discretion of the City Council. The City Council shall, immediately after this charter goes into effect, and every two years thereafter, advertise for bids for the said office, stating what said bids shall specify, and the terms on which said bids shall be received. Any treasurer appointed by contract shall, nevertheless, be an officer of the city and subject to the same duties as a treasurer otherwise elected. Said treasurer shall give such bond as the City Council may require, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and shall make all payments upon an order from the mayor, and attested by the secretary and the seal of the corporation, and no order shall be paid unless it shows upon its face that the City Council has ordered its issuance. He shall render a full and correct statement of his receipts and payments to the City Council at their first regular meeting in every month, and at such other times as the council may require. He shall perform such other acts as the council may require and receive no compensation for his services. The treasurer shall keep such books and accounts as may be prescribed by the City Council upon recommendation of the city secretary, and shall conform therein to the business system of the city.

Senator Skinner offered the following amendment, which was adopted.

Amend by striking out all of Section 227 and inserting in lieu thereof the following:

"Section 227. The office of treasurer of the board of school trustees shall be let by contract to the highest and best bidder, in the discretion of the board of school trustees. The board of school trustees shall immediately after this charter goes into effect, and every two years thereafter, advertise for bids for the said office, stating what said bid shall specify and the terms on which said bid shall be received. Any treasurer appointed by contract shall be subject to the same duties as a treasurer otherwise elected. Said treasurer shall give such bond as this board of school trustees may require, payable to the president of the board of school trustees or his successors in office, to be approved by said board, and conditioned for the faithful discharge of his duties, and the payment of the funds received by him upon the draft of the president drawn upon order of the board of school trustees, duly entered. He shall receive and securely keep all the moneys belonging to the available school fund of the city for current expenses, and shall make all payments for the same upon the order of the board of school trustees, signed by the president and attested by the secretary of said board and no order shall be paid unless it shows upon its face that the board of school trustees has ordered its issuance, and for what purpose. He shall render a full and correct statement of his receipts and payments to the board of school trustees at their first regular meeting in every month, and at such other time as the board of school trustees may direct. He shall perform such other acts and duties as the school board may require, and receive no compensation for his services. The treasurer shall keep such books and accounts as the board of school trustees may require, and shall conform to the business system of the city."

The bill was read second time and passed to a third reading.

Senator Skinner moved to reconsider the vote by which the bill was passed to a third reading, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 546—MADE SPECIAL ORDER.

The Chair laid before the Senate, on second reading,

House bill No. 546, a bill to be entitled "An Act to exempt the county of Llano from the provisions and opera-

tions of Chapter 66 of the General Laws of the regular session of the Twenty-seventh Legislature, relating to a special road system for the counties of Panola and Llano."

On motion of Senator Brachfield, further consideration of the bill was postponed until tomorrow morning.

#### HOUSE BILL NO. 520—PASSAGE OF.

Committee report was adopted.

On motion of Senator Hicks, the Senate rule requiring committee reports to lay over for one day was suspended by the following vote:

#### Yeas—22.

Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

#### Absent.

Barrett.	Martin.
Decker.	Smith.
Glasscock.	Stafford.
Hale.	Stokes.
Harper.	

The Chair laid before the Senate, on second reading,

House bill No. 520, a bill to be entitled "An Act to provide a plan of working, making, repairing and improving public roads by contract in Camp and Upshur counties; to punish contractors for willful neglect in keeping roads in repair contracted for by them; to raise revenue for making and improving public roads therein; to provide for appointment of a supervisor of roads in each of said counties; to prescribe duties of such supervisor; to declare when this act shall take effect in each of said counties; to declare an emergency," etc.

Senator Terrell offered the following amendment, which was adopted:

Amend House bill No. 520 by striking out the words "or against," at the end of Section 21.

Senator Terrell offered the following amendment, which was adopted:

Amend the bill as follows: Strike out Section 18 in the bill and insert in lieu thereof the following:

"Section 18. This act is intended to create an additional system of working public roads in Camp and Upshur counties, and nothing in this act



shall be construed as repealing existing laws not in conflict herewith. And the Commissioners Court is hereby authorized to allow in the discretion of said court those persons who are subject to road duty under existing laws to work out the \$2.50 required by the terms of this bill to be paid by them respectively in lieu of road service, at the rate of \$1 per day of eight hours."

Bill read second time and passed to a third reading.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—21.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Beaty.	Martin.
Decker.	Smith.
Glasscock.	Stafford.
Hale.	Stokes.
Harper.	Stone.

The bill was read third time, and passed.

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 573—PASSAGE OF.

The Chair laid before the Senate, on second reading,

House bill No. 573, a bill to be entitled "An Act creating the Grand Saline independent school district in Van Zandt county, Texas, and defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, investing the said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, conferring upon the board of trustees thereof and charging them with the rights, powers, privileges and duties, which by the General Laws of this

State are conferred and imposed upon trustees of independent school districts incorporated under the General Laws, and applying to said Grand Saline independent school district all of the General Laws now in force, applicable to independent school districts incorporated or created under Article 616a of the Revised Civil Statutes of the State of Texas, and declaring an emergency."

Bill read second time and passed to a third reading. On motion of Senator Hicks, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—21.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Terrell.
Harbison.	Willacy.
Hawkins.	

## Absent.

Beaty.	Martin.
Decker.	Smith.
Glasscock.	Stafford.
Hale.	Stokes.
Harper.	Stone.

The bill was read third time, and passed by the following vote:

## Yeas—22.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

## Absent.

Beaty.	Martin.
Decker.	Smith.
Glasscock.	Stafford.
Hale.	Stokes.
Harper.	

Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Twenty-ninth Legislature.  
Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on Senate bill No. 62.

Also the House has adopted the report of the Free Conference Committee on House bill No. 277.

Also that the House has adopted House concurrent resolution No. 17, inviting Hon. Paul Morton, secretary of United States navy, to Texas, on the occasion of the visit of the President.

Respectfully,

MARK LOGAN,

Acting Chief Clerk, House of Representatives.

## ADJOURNMENT.

On motion of Senator Davidson, the Senate, at 5:30 o'clock p. m., adjourned till tomorrow morning at 10 o'clock.

## COMMITTEE REPORTS.

## ENROLLED BILLS.

Committee Room,  
Austin, Texas, March 18, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Substitute Senate bill No. 12, and find the same correctly enrolled, and have this day delivered the same to the Governor, at 11:20 o'clock a. m., for his approval.

TERRELL, Chairman.

(Following is the bill in full.)

Substitute Senate bill No. 12, An Act to compel all corporations in this State owning, leasing or operating in cities or towns or over 2500 population, street railways, electric lighting or power plants, furnishing light and power to the public, gas plant furnishing gas to the public and sewerage company or water plant furnishing water to the public, to file annual reports, and providing penalties for the violation of the provisions of this act.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every corporation within this State owning, leasing or operating in this State in cities or towns of over

2500 population according to the last official census of the United States, a street railway, electric lighting or power plant furnishing light or power to the public, gas plant furnishing gas to the public, water plant furnishing water to the public, and sewerage companies furnishing sewerage to the public shall annually, on or before the 1st day of March of each year, file a report with the Secretary of State, upon blank forms to be furnished by the Secretary of State, showing the following facts:

First—The authorized capital stock of such corporation, the amount of such stock that has actually been issued and how much of such stock actually issued is common and how much preferred, and how much is due upon unpaid stock.

Second—The bonded indebtedness of such corporation and how many bonds have been actually sold, the rate of interest upon such bonds and when such bonds mature and the price at which such bonds were sold.

Third—Any other fixed lien or mortgage upon such property and the amount thereof.

Fourth—The floating indebtedness of such corporation, including all bills payable of whatever nature.

Fifth—The value of the visible, tangible property of such corporation, giving separate values of lands, machinery, buildings, tracks and equipments and in gross all bills receivable and cash on hand.

Sixth—The annual cost of operating such corporation, showing under separate items:

(a) Amount paid for salaries.

(b) Amount paid for labor.

(c) Fixed charges, including interest, taxes and insurance, giving each separately.

(d) Amount paid for fuel.

(e) Amount paid for extensions, repairs and maintenance, giving each separately.

(f) Amount paid for claims or suits for damages.

(g) Amount paid for miscellaneous expenses.

Seventh—The annual gross earnings of such corporation, including revenues from every source, showing by separate items amounts received by departments, such as amount received for light, amount received for sewerage, for power, water, gas, amount received for street railway fares, tickets.

Sec. 2. The corporations mentioned in Section 1 hereof shall also make to the Secretary of State, upon blanks to be furnished by him, reports as to the prices charged the public for sewerage, gas, water, light, power, and the

price charged per passenger upon street railways, and if any such corporations have contracts with cities or towns for furnishing water or light, then the amount of such charge.

Sec. 3. The reports provided for in Section 1 and 2 of this act shall be under oath and shall be made by any officer of the corporation having knowledge of the facts, or its general manager or superintendent.

Sec. 4. A true copy of the reports required by the provisions of this act, sworn to as provided, shall be filed annually on or before the 1st day of March of each year with the mayor of the city or town where the corporation has its principal place of business, and there shall also be filed at the same time a true copy of said reports with the clerk of the county court of the county in which such corporation has its principal place of business and by said clerk delivered to the commissioners court, and such reports shall be recorded in a properly indexed book to be kept for that purpose and open to the inspection of the public at all times.

Sec. 5. Any such corporation as described in Section 1 of this act which shall for thirty days willfully fail or refuse to file the reports in the manner provided by this act, shall forfeit and pay to the State \$100 for each and every day during which it shall continue in default, which shall be recovered by suit in a court of competent jurisdiction by the Attorney General of the State of Texas.

Sec. 6. The fact that there is now no law providing for securing data and statistics concerning corporations owning and operating gas, water, electric light and street railways in this State creates an urgency and an imperative public necessity requiring that the constitutional rule which provides that all bills shall be read on three several days be suspended, and such rule is hereby suspended, and it is so enacted.

#### Committee Room,

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 11, being "An Act to confer authority upon the Penitentiary Board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect."

And by reason of a resolution heretofore adopted by the Senate and House of Representatives providing

that the same should be returned by the Governor for correction, find that the same has been properly corrected, and have this day, at 11:55 o'clock a. m., delivered the same to the Governor for his approval.

TERRELL, Chairman.

#### Committee Room,

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate concurrent resolution No. 7, granting Judge John R. Goodwin, Judge of the Thirty-fifth Judicial District, leave to absent himself from the State during the months of July and August, 1905, and find the same correctly enrolled, and have this day presented the same to the Governor at 12:05 o'clock p. m., for his approval.

TERRELL, Chairman.

#### Committee Room,

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 252, being "An Act to create a more efficient road system for Harris county, in the State of Texas, and authorizing the County Commissioners Court of Harris county to lay out, build and construct roads, bridges and approaches, the paving of streets and connecting roads with paved streets in the city of Houston; and authorizing the creation of road districts and the issuance of bonds for the payment of such improvements as authorized under the constitution of the State of Texas and the provisions of this act, and declaring an emergency."

And find the same correctly enrolled, and have this day, at 11:05 o'clock p. m., delivered the same to the Governor for his approval.

TERRELL, Chairman.

#### ENGROSSING DEPARTMENT.

#### Committee Room,

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 191, being "An Act to amend Article 5353 of the Revised Statutes of Texas of 1895, relating to the probate of wills."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,  
Austin, Texas, March 20, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 272, being "An Act to amend Chapter 143 of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth Legislature, which was an act to provide for the disorganization of the county of Loving, in the State of Texas, and to attach said county to the county of Reeves for judicial and other purposes, and to provide for the assessments and collection of taxes in said county, and for the payment of the outstanding indebtedness of said county."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,  
Austin, Texas, March 20, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 40, being "An Act providing for return of inventory, list of claims and list of indebtedness in the administration of community estates, and to amend Article 2224, Chapter 28, Title XXXIX, of the Revised Civil Statutes of the State of Texas,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,  
Austin, Texas, March 21, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No 126, being "An Act to reorganize the Thirty-second Judicial District of Texas, and to fix the time for holding courts, and the terms of the courts therein, to conform all writs and processes to such changes, to declare an emergency, and to repeal all laws and parts of laws in conflict herewith,"

And find the same correctly engrossed.

BARRETT, Chairman

#### JUDICIARY COMMITTEE NO. 1.

Committee Room,  
Austin, Texas, March 20, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 299, a bill to be entitled "An Act to provide for the issuance of insurance policies against tornadoes, cyclones, storms, wind and lightning,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,  
Austin, Texas, March 20, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 295, a bill to be entitled "An Act to provide a method for the assessment and collection of taxes on real properties omitted from the tax rolls for any year or years since the year 1884, and a method of re-assessing and collecting the tax on real properties on which former assessments are found to be valid, or which have been declared invalid by any District Court for any reason in any suit to enforce the collection of taxes on said properties,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

#### JUDICIARY COMMITTEE NO. 2.

Committee Room,  
Austin, Texas, March 21, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 287, a bill to be entitled "An Act to amend Article 258 of the Code of Criminal Procedure, relating to warrants of arrest issued by magistrates, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended by your committee as follows, to wit: Amend the bill by striking out all after the word "entitled," and inserting the following:

"An Act to amend Articles 256 and 259 of the Code of Criminal Procedure, relating to warrants of arrest, issued by magistrates and district and county clerks, and to repeal all laws in conflict herewith," etc., as set out in the substitute hereto attached.

DAVIDSON, Chairman.

Amend the bill by striking out all after the word "entitled," and insert the following:

An Act to amend Article 256 and Article 259 of the Code of Criminal Procedure, relating to warrants of arrest issued by magistrates and district and county clerks, and to repeal all laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 256 of the Code of Criminal Procedure of the State of Texas be amended so as to hereafter read as follows:

Art. 256. That a warrant of arrest issued by any county or district clerk or by any magistrate (except county commissioners of commissioners courts, mayors or recorders of an incorporated city or town) shall extend to any part of the State, and any peace officer to whom said warrant is directed or into whose hands the same has been transferred shall be authorized to execute the same in any county in this State.

Sec. 2. That Article 259 of the Code of Criminal Procedure of the State of Texas be amended so as to hereafter read as follows:

Art. 259. When a warrant of arrest is issued by any county commissioner or commissioners court, mayor or recorder of an incorporated city or town it can not be executed in another county than the one in which it issues, except:

(1) It be endorsed by a judge of a court of record, in which case it may be executed anywhere in the State; or,

(2) If it be endorsed by any magistrate in the county in which the accused is found, it may be executed in said county. The endorsement may be: "Let this warrant be executed in the county of \_\_\_\_\_," or if the endorsement is made by a judge of a court of record, then the endorsement may be: "Let this warrant be executed in any county of the State of Texas." Any other words expressing the same meaning will be sufficient. The endorsement shall be dated and signed officially by the magistrate making it.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 4. The fact that there are no adequate provisions of law relating to the execution of warrants of arrest and the near approach of the close of the session and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, and this bill take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 471, a bill to be entitled "An Act to restore and confer upon the county court of Titus county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court; to repeal all laws in conflict with this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and the same be not printed.

DAVIDSON, Chairman.

#### EDUCATIONAL AFFAIRS.

##### Floor Report.

Austin, Texas, March 11, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Education, to whom was referred

Senate bill No. 277, a bill to be entitled "An Act to amend Section 17 of an Act incorporating the trustees of the independent school district of the City of San Antonio Texas, passed at the regular session of the Twenty-eighth Legislature of the State of Texas, Chapter CXXVIII of the General Laws,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GRINNAN, Chairman.

#### COUNTY AND COUNTY BOUNDARIES.

Committee Room,

Austin, Texas, March 20, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on County and County Boundaries, to whom was referred

House bill No. 241, a bill to be entitled "An Act to authorize counties and cities incorporated under the General Law to issue bonds for the purpose of raising funds for the payment of valid floating indebtedness, and to provide for the levying and collection of a tax to pay said bonds and the interest thereon; and prescribing the duty of



the county and city treasurer with reference thereto."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BARRETT, Acting Chairman.

#### CITY AND TOWN CORPORATIONS.

Committee Room,

Austin, Texas, March 20, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on City and Town Corporations, to whom was referred

House bill No. 509, a bill to be entitled "An Act to incorporate the city of Cleburne, in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

BEATY, Chairman.

#### INSURANCE, STATISTICS AND HISTORY.

Committee Room,

Austin, Texas, March 20, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

House bill No. 12, a bill to be entitled "An Act to amend Article 5243e of an Act entitled 'An Act to amend Articles 5243e, 5243i, 5243j and 5243k, of Chapter 9, Title CIV, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this Act, and to define and prescribe the notice to be given to said corporations previous to such forfeiture, and to provide adequate penalties for the violation of this Act passed and enacted by the Twenty-fifth Legislature of the State of Texas, and approved April 30, 1897,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

SMITH, Acting Chairman.

Amend page 1, Article 5243e, line 3 from the bottom of page, by striking out the words "two and one-half per cent," and insert the words "two per cent."

Amend same Article on the bottom line of page twenty-one (21) by striking out the words "two per cent" and insert the words "one and one-half per cent."

Amend by adding after the word "state" in line 4, of Article 5243e, the words "and the gross amount of premiums received outside the State for insurance upon property located in this State."

Amend Article 5243e by striking out the words "as shown by said sworn statement," line twelve (12), page twelve (12), and inserting in lieu thereof the words "as shown by a sworn statement to be filed with the Commissioner of Insurance."

#### JUDICIAL DISTRICTS.

Committee Room,

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Judicial Districts, to whom was referred

House bill No. 397, a bill to be entitled "An Act to amend an act passed by the Twenty-eighth Legislature, to create the Sixty-second Judicial District of Texas, to name the counties composing said district, empowering the judge of the Sixth Judicial District to empanel the grand jury for Lamar county, and empowering the judge of the Eighth Judicial District to empanel the grand jury for Hunt county and Delta county, and giving authority to the judges of either the Sixth or Sixty-second Judicial Districts, in the county of Lamar, to transfer cases from their respective courts to the other of said courts," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the same be not printed.

BEATY, Acting Chairman.

Committee Room,

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Judicial Districts, to whom was referred

House bill No. 214, a bill to be entitled "An Act to prescribe the time of holding the terms of the District Court in the various counties comprising the Thirty-eighth Judicial District of the State of Texas, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the same be not printed.

BEATY, Acting Chairman.

#### ROADS, BRIDGES AND FERRIES.

Committee Room.

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 578, a bill to be entitled "An Act to create a more efficient road system for Cooke county, Texas," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

MARTIN, Chairman.

Committee Room.

Austin, Texas, March 21, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 301, a bill to be entitled "An Act to create a more efficient road system for Dallas county, Texas, and defining the powers and duties of the Commissioners Court of said county relative to roads and bridges of said county, and making County Commissioners of said county ex-officio road commissioners of their respective districts, and prescribing their duties and compensation as road commissioners; and providing for the election of a county engineer of said county, and prescribing the term for which he shall serve, his duties and compensation; and providing conditionally, for the employment of a consulting engineer; and providing for the laying out, opening, widening, drainage, grading, construction, building, repair and maintenance of public roads of said county, and for the classification and abandonment thereof; and providing for the condemnation of lands and material for use in opening, constructing, repairing and maintaining such public roads; and authorizing said court to direct the opening up of and to open up drains along railways in said county; and abolishing road service and road overseers in said county, and providing for the payment of a road tax; and directing the application of the road and bridge fund of said county, and of proceeds of sale of bonds of said county, issued for road

and bridge purposes, and limiting the power of said court to transfer such funds; and prohibiting said court and members thereof from making an excessive levy of taxes for road and bridge purposes, and limiting the power of said court, to issue warrants or create debts against the county in connection with such roads and bridges; and providing for the use, management and control of county convicts of said county; and providing for the letting of contracts and purchase of supplies in certain cases, and prohibiting members of such court and county officers of said county from becoming financially interested therein; and providing for the issuance and sale of bonds of said county for the purpose of building, construction, improving, repairing and maintaining roads and bridges of a permanent nature, and authorizing the investment of the permanent school fund of the State of Texas and of said county in such bonds; and requiring the County Treasurer of said county to keep a separate account of proceeds of sale of such bonds and limiting his duties in the disbursement thereof; and providing for the protection of ornamental shade trees; and for the placing and preservation of sign boards along such public roads; and prescribing penalties and providing punishment for violation of this act, and providing for the application of fines for such violations, and of all money collected on contract under this to the road and bridge fund of said county; and providing that this act be given specially in charge to the grand jury of said county; and declaring this act cumulative of general laws, except in case of conflict, when this act shall control; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Chairman.

Committee Room.

Austin, Texas, March 21, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 520, a bill to be entitled "An Act to provide a plan of working, making, repairing and improving public roads, by contract, in Camp and Upshur counties, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed. MARTIN, Chairman.